

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HONORABLE AVERN COHN

No. 16-20143

D-2 DEAUTA BELCHER and
D-3 ANDRE WATSON,

Defendants.

JURY TRIAL EXCERPT - VOLUME 13
Closing Statements
Monday, October 22, 2018

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- - -
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Jury Trial Excerpt
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Detroit, Michigan

Monday, October 22, 2018

- - -

(Beginning of excerpt.)

(9:36 a.m.)

MR. HAUGABOOK: Good morning.

THE JURORS: Good morning.

MR. HAUGABOOK: Ladies and gentlemen, I want to thank you for the fulfillment of your civic duty as jurors over the last three weeks. It has often been said that the performance of jury service is one of the anchors upon which all of our liberties as United States citizens rest upon. So, on behalf of the Government's trial team, I'm sure my brother counsel and its trial team and this Honorable Court, we would like to thank you for serving as jurors. Our system of jurisprudence is one of the things that makes us an envy of the world because, whether you know it or not, there are still other countries that don't have this system of government that we do. So thank you.

Ladies and gentlemen, based upon the evidence, there is no question Devin Wallace died at the hands of Andre Watson and Deaunta Belcher. Three of the five participants have all told you of their collective involvement with Belcher and Watson in that murder. From this we know Watson, an enforcer on Belcher's payroll, along with Brown, killed Wallace in exchange

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1 for money and items promised by Belcher. Phones were used to
2 coordinate it. Money, cars and a condo were promised. As a
3 result, Wallace died after Watson shot at him twelve times at
4 point-blank range, with six shots directed to Wallace's head.

5 Before you go back to deliberate I want to describe to you
6 how the evidence you heard over the past three weeks satisfies
7 the elements of the crimes charged beyond a reasonable doubt
8 starting with Count One, Murder for Hire.

9 First, both Deaunta Belcher and Andre Watson are charged
10 with use of a facility of interstate commerce in the commission
11 of a murder for hire. That sounds complicated, but really it's
12 not. There are four elements or four different things you must
13 find beyond a reasonable doubt to find the defendants guilty of
14 this offense.

15 First, that the defendants used or caused another person
16 to use a facility of interstate commerce or foreign commerce.
17 In this case that facility is a cellular phone. So you will
18 simply need to decide whether Deaunta Belcher and Andre Watson
19 used or caused someone else to use a cell phone in connection
20 to this murder-for-hire scheme.

21 Second, that the cell phone, or phones, were used with the
22 intent that a murder be committed.

23 Third, that this murder was done in exchange for something
24 of value. In other words, it was committed for money, a car or
25 something of value. Also, that money need not have changed

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1 hands actually. All that is required is a promise to pay
2 someone in exchange for the murder; and

3 Four, that death resulted and that death satisfies the law
4 of Michigan for first-degree murder.

5 During this trial over the past three weeks the evidence
6 has shown that on September 11, 2015 at roughly 5 o'clock
7 Devin Wallace sat outside They Say Restaurant in a white
8 Mercedes Benz, a car that his widow and even Defendant Belcher
9 said he did not frequently drive.

10 Wallace sat in his car talking to Darnell Bailey, his
11 supposed good friend and business partner in a fraudulent car-
12 and truck-trafficking scheme. Mr. Bailey is the cousin of
13 Defendant Belcher, their other partner in the fraudulent car-
14 and truck-trafficking scheme, who also engaged in drug dealing
15 with Wallace and others.

16 The evidence has shown that their drug dealing was
17 intertwined with their car fraud scheme because certain drug
18 customers' identities were used as sham car buyers in
19 conjunction with other drug customers who worked at the
20 dealership, employees, to push the paperwork through, all
21 for the purpose of faking the purchaser identities on cars
22 that ultimately were subleased to other people in the
23 drug-trafficking world or other drug dealers. The cycle of
24 drug dealing and car fraud was completely entangled and
25 repeatedly fed itself. In fact, they were two sides of the

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1 same coin.

2 The evidence has shown that an unsuspecting Wallace
3 thought that he was going to meet with several other men,
4 including Deaunta Belcher and Darnell Bailey, to discuss a
5 business deal, but that meeting never happened because days and
6 weeks before this date and at least before August 25th a
7 nefarious plot to kill Wallace was hatched at a meeting at
8 Zeidman's between Belcher, a/k/a Byrd; Bailey, a/k/a Gino;
9 Brown, a/k/a Twin; and Watson, a/k/a Dre, Lil Stunna or Stunna.

10 From the evidence, we know that the plot to kill Watson
11 was in effect by August 25th of 2015 because information from
12 the call detail records or CDRs, as will be discussed in
13 Exhibit 16.13 and 13.5, along with the testimony of Bailey and
14 Brown about a failed attempt, tell us so.

15 Bailey said there was a failed attempt to kill Wallace at
16 the Pantheon Nightclub in Dearborn. Brown said he and Watson
17 went there based upon a call from Belcher and that they
18 followed Wallace but could not keep up with him.

19 As seen in Exhibit 16.14, Belcher, Watson and Brown all
20 talked on August 25th. As depicted in Exhibit 13.5, you can
21 see that on August 25th, 2015 Wallace was in the vicinity of
22 the Pantheon Club around the same time as Brown and Watson.
23 Wallace's number ended in 5618, Brown's ended in 1332, Watson's
24 ended in 3909. In other words, everyone's phone is in the same
25 area. Everyone was in the same area.

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1 On the fateful day of September 11, 2015 the evidence has
2 shown that Wallace, as we are going to see in Exhibit 2, pulled
3 up outside the restaurant at 16:34:05. Recall that the clock
4 on this video was a minute and 45 seconds fast. In other
5 words, based upon the time in the video, he really pulled up at
6 16:32. So, ladies and gentlemen, as you saw in the video, you
7 have to subtract a minute and 45 seconds to get the true time.

8 As we are about to see in Exhibit 13.7, by the time the
9 victim pulled up and parked, Chambers, Brown and Watson are
10 already on the way to his location in Chambers' 2007 black
11 Charger. Looking at Exhibit 13.7 and the testimony of
12 Chambers, Brown and Agent Jenson, between 4:25 and 5:10 p.m.
13 Chambers is en route southbound from Faircrest Street with
14 Brown, his front seat passenger, and Watson, his rear seat
15 passenger, in response to Belcher's follow-up call to Brown
16 about a definite location, that being the They Say Restaurant
17 location, to find, as Brown testified, the big fish on the
18 line.

19 By 16:51:30, as depicted in Exhibit 13.7, Watson, Brown
20 and Chambers have reached the area of They Say Restaurant. As
21 you can see in Exhibit 13.8, Watson's and Brown's phones are in
22 the immediate area before, during and after the murder. Recall
23 that Chambers and Brown both told you they were in the car as
24 driver and front seat passenger respectively and that
25 Andre Watson was the rear seat passenger, who exited the car

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1 and killed Wallace.

2 As we are about to see in Exhibit 16.5, within that same
3 block of time Brown and Belcher are in contact with one another
4 numerous times. There is even contact with Belcher from
5 Watson's phone, which aligns with Brown's testimony that due to
6 a battery issue he borrowed that phone from Watson and used it
7 to call Belcher. Remember, Brown says those calls were related
8 to execution of the plan hatched at Zeidman's to kill Wallace,
9 and, and, and by his refusal to tell the Detroit Police the
10 truth about all he talked about, about all he talked to before
11 and after the murder.

12 I'm sorry, let me start over. To tell DPD the truth about
13 who all he talked to before and after the murder, Defendant
14 Belcher by that glaring omission and untruth tells you himself
15 that it was indeed Brown he was talking with when he was
16 talking with him about killing Wallace.

17 You saw that video interview with the Detroit Police
18 Homicide Detectives Mitchell and Lucy where they confronted
19 Belcher regarding the number belonging to Stephen Brown and the
20 number of contacts between Belcher and Brown's phone. In the
21 interview the detectives told Belcher his phone had contact
22 with Brown's phone 188 times the month before September 11,
23 2015 and at least 23 times on the day of the murder.

24 In the interview Belcher refused to say the 1332 number
25 was Brown's or Steph's, as he called him; refused to say he

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1 associated with Steph or that he ever talks to Steph, for that
2 matter, even though he talked to Brown as he pulled up to the
3 They Say Restaurant on September 11th, which I'll talk about
4 more in a moment. In the interview Belcher said the last he
5 heard of Steph was in jail and refused to admit he even knew
6 his last name. But, as you saw from the video, Detective
7 Mitchell found Brown's full name and picture in the Facebook
8 contact from Belcher's phone, one of the second phones he
9 possessed in that interview.

10 But, suffice it to say, Defendant Belcher, by those
11 glaring omissions and untruths, tells you himself that it was
12 indeed Brown that he was talking to. Defendant Belcher, by all
13 of those glaring omissions and untruths, tells you himself that
14 the calls between he and Brown involved a plan to kill Wallace.

15 Also, recall before the murder he had told his then fiance
16 and drug coconspirator Miss Latasia Banks that Bailey asked him
17 to help take out Wallace, and when confronted by Banks after
18 the murder, he confessed and in his own words said, "Nigga was
19 greedy and had to go."

20 As we are about to see in Exhibit 4, by the 16:48:04 mark
21 in conjunction with Exhibit 16.7, you can see that as Belcher's
22 Camaro arrives he has just been in contact with Bailey's phone,
23 he had just been in contact with Bailey's phone, and he is in
24 contact with Brown's phone twice, a 10-second and a 95-second
25 call. These are outbound calls, meaning Belcher is calling

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1 Brown, calling Brown's phone.

2 The 95-second call starts at 16:48:24 of Exhibit 16.7 and
3 Exhibit 4. That means, ladies and gentlemen, that that
4 95-second call runs until 16:49:59, and as you can see from the
5 video, Mr. Belcher is still in the car. He never exited the
6 Camaro until he completed that call with Mr. Brown. Therefore,
7 before he even gets out of the car with his daughter he is on
8 the phone engaged in fulfilling the plan to execute Wallace.

9 Next, we will look at another clip from Exhibit 4, which
10 ends at the 16:53:03 mark, and compare it with Exhibit 16.7.
11 From this clip you can see that Belcher is back into his
12 Camaro, and a second later at 16:53:04 when we look at
13 Exhibit 16.7 he gets a call from Andre Watson's phone, another
14 call he refused to acknowledge to Detectives Mitchell and Lucy.

15 Looking at Exhibit 13.7, you can see that at 16:51:31, by
16 that little box down there closest to -- it looks like it's
17 sitting in the water there, you can see that at that time when
18 we look at Exhibit -- when we look at that, you can see that he
19 gets a call from Andre Watson's phone number and you can see
20 that Watson's phone is indeed in the immediate area of the
21 restaurant. In fact, it is already in the area before making a
22 46-second call to Belcher's phone.

23 Brown and Chambers told you that on the -- Brown and
24 Chambers told you that on the ride to They Say Brown and Watson
25 shared each other's cell phones to talk to Belcher. In fact,

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1 Brown told you that due to a battery issue he used Watson's
2 phone to call Belcher. Remember, Brown told you that they were
3 sitting on the corner of Joseph Campau and Jefferson for a few
4 minutes and there was a phone call with Belcher.

5 Looking at another clip from Exhibit 4, which starts at
6 the 16:53:04 mark, you can see, when we look at Exhibit 16.7,
7 you can see that that call that starts at 16:53:04, which lasts
8 46 seconds, is enough and just long enough for Belcher to
9 arrive a block away onto eastbound Wight Street. Brown
10 testified Belcher was told they were nearby, and Brown told you
11 they saw Belcher pull off in that Camaro. As we just saw,
12 Watson's phone was there at 16:51:03, about two minutes before
13 the call and two minutes before the defendant pulled off, and
14 as Brown told you, they could see him pull off in the white
15 Camaro.

16 The evidence proves that by the time he got home a block
17 away to attempt to drop his daughter off, Belcher already made
18 the phone calls to carry out the plan hatched at Zeidman's to
19 kill Wallace. Given the testimony Belcher was paying for this
20 and held a bitter animosity with Wallace, this all explains why
21 Belcher was definitely in a rush to get in and out of the
22 house, like Ms. Banks said.

23 Belcher wanted to get in and out of the house because, in
24 his words, he had a play on the floor with Darnell Bailey, and
25 that play, ladies and gentlemen, was to kill Wallace. I submit

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1 that Belcher wanted to get back so he could watch the aftermath
2 of Wallace's execution and commence the false narrative that
3 Wallace was killed for snitching.

4 His daughter's return to the scene with him was by sheer
5 happenstance and accident. In fact, her presence in the car
6 with Belcher did not even stop his phone call and planning with
7 Brown when Belcher first pulled up and parked outside the
8 They Say Restaurant before the murder.

9 Looking at another clip from Exhibit 4, which starts at
10 the 17:03:42 mark, which we will later compare with this
11 Exhibit 16.7. You can see that after the shooting occurs
12 Bailey is at Belcher's car a block away on Wight Street at
13 17:04:23.

14 Looking at another clip from Exhibit 4, which starts at
15 the 17:04:24 mark, which we will compare to Exhibit 16.7. You
16 can see Belcher then headed westbound on Wight and circled the
17 block before arriving back at the restaurant scene.

18 Belcher's Camaro arrives and parks on southbound
19 Joseph Campau at the corner of Franklin at 17:06:02. By the
20 time this clip ends at 17:06:06, in that short window that it
21 takes for him to leave Wight and circle the block and get
22 there, you can see that he doesn't get out the car until after
23 he has had a 36-second call with Andre Watson on the phone. If
24 you do the math, 17:05:30 plus 36 seconds will take you to
25 17:06:06, which is just before he gets out of the vehicle right

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1 there. As you can see, Belcher was on the phone with Watson
2 before he got out of the car after returning to the scene, and
3 yet that's another communication he denied making to detectives
4 Lucy and Mitchell.

5 You know that payment was promised to Brown and Watson
6 because Brown told you so. Chambers testified that while in
7 jail Brown said he received some money but was due more. Brown
8 also testified about this conversation and said he promised to
9 give Chambers a cut of the money he was to receive from
10 Belcher.

11 You also heard that Brown called Belcher for payment and
12 was directed to Bailey, who promised to pay him at Motor City
13 Casino, but Brown could not go because he was on tether and he
14 sent Watson instead.

15 Bailey told this account as well. You also heard that
16 Brown called Bailey, who said he gave \$10,000 to Belcher to pay
17 them. Brown then contacted Belcher, who said he gave it to
18 Watson, yet Brown did not get a cut of the money.

19 You heard that in one instance Brown sought money from
20 Belcher, but Belcher mocked him and questioned whether he
21 deserved any because he failed to shoot directly with his .40
22 caliber gun.

23 You also heard that Brown was getting the runaround
24 regarding full payment from Belcher. In fact, Brown and
25 Chambers told you about Brown's hunt for him in the

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1 Warren-Conner projects. Chambers and Brown both told you they
2 found him and that Brown was paid.

3 Brown said he even went there with an AK-47 or chopper
4 because he was so incensed that he was getting the runaround
5 and the money was not being paid off as promised. You heard
6 Brown say as a result he received some money from Belcher the
7 evening of that encounter in the projects. You also heard, it
8 was brought out on cross-examination of Agent Rienenrth, that
9 Brown told Rienenrth he was offered a house and car by Belcher
10 for killing Wallace.

11 Ladies and gentlemen, the Government has overwhelmingly
12 proven the elements of Count One, murder for hire, involving
13 Defendants Belcher and Watson. Both Belcher's and Watson's
14 involvement with the others in this killing has been
15 established by the testimony of the witnesses and the evidence,
16 and I believe the Court will instruct you on what evidence is.
17 It's the testimony of witnesses and the exhibits admitted into
18 evidence and any stipulations and anything else that the Court
19 tells you you may consider as evidence.

20 However, there is even more evidence of Watson's guilt
21 because of his lies to Agent Rienenrth. You recall Agent
22 Rienenrth, who not only testified about the creation of
23 Exhibit 16, but he also testified about his interview of
24 Watson. Agent Rienenrth said that Watson admitted the 3909
25 phone number was his. A phone with that number was seized by

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1 Detroit Police during a traffic stop and arrest of Watson's
2 female companion, as testified to by Officer Penn.

3 However, just like Belcher, Watson's untruths proves his
4 guilt and involvement also. Watson told Rienarth he did not
5 even know anyone named Chambers, but as we see in Exhibit 24C,
6 he had three contacts for B.J. Chambers saved in his phone,
7 including Chambers' number ending in 1987. Likewise, in
8 Exhibit 17B, Chambers had Watson's 3909 phone number saved in
9 his phone under the name Stunna. Watson said he did not know
10 or associate with Steph, even though there was a video on his
11 phone of him and Steph Brown that was made a couple weeks
12 before their arrests.

13 Watson denied going downtown or near They Say even though
14 his phone shows him in the area at about the 16:51:03 mark
15 until the murder was concluded. While in the area, Watson's
16 phone was in contact with Belcher's or Byrd's phone and
17 remained there throughout the murder. Watson denied knowing
18 Byrd, but as we see in Exhibit 24D, Brown had several entries
19 in his phone for a Byrd and described him as a tall, skinny
20 light-skinned man. As you heard from Agent Rienarth, those
21 numbers there were other numbers found for Belcher in his
22 drug-trafficking activity.

23 The lies of Defendants Belcher and Watson in the face of
24 the independent cell phone evidence, such as cell site location
25 and actual cell phone content, coupled with the testimony of

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1 Chambers, Brown, Jackson, Bailey, and Ms. Banks, proves these
2 defendants' guilt as to Count One.

3 There's no question these defendants used a phone, an
4 instrument of interstate commerce, with the intention to commit
5 a murder.

6 There's no question that they did so based upon a promise
7 to pay. Brown even mentioned he was promised money, a car and
8 a condo. This is consistent with Belcher's capability to pay
9 because Ms. Banks told you about Belcher's involvement with a
10 drug customer realtor and Belcher's exchange of a car for a
11 condo or house. Also, you know that Belcher was involved in a
12 car fraud scheme so it stands to reason that Belcher could
13 indeed promise such things.

14 There is no question these defendants caused the death of
15 Wallace. They intended to kill him, when you can take into
16 account the Zeidman's plan, the surveillances, the failed
17 attempt on August 25th, and finally the 12 shots fired at
18 point-blank range on September 11th.

19 There's no question that this was a premeditated killing.
20 You take into account the Zeidman's plan, the surveillance, the
21 August 25th attempt, the two calls to Brown about big fish on
22 the line with a promise to call back with a definite location,
23 and in fact a call back with a definite location at They Say,
24 and the calls with the Brown and Watson phones as Defendant
25 Belcher was arriving to the restaurant location, again calls

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1 which he denied making and lied about who the other person was
2 on the line when he was interviewed by Detroit Police.

3 The evidence has shown that the execution of this
4 nefarious plan on Mr. Wallace by all participants, including
5 Chambers as the driver, and these two defendants, Belcher and
6 Watson, on September 11 was just plain heinous and cold
7 blooded.

8 As we see from Exhibit 6CC and Exhibit 11, Watson shot at
9 Wallace twelve times, and six of the nine shots struck Wallace
10 in his head. Nine took effect to his body, four of which
11 exited his head, while the remaining two were removed during an
12 autopsy.

13 There's no question the killing of Wallace was deliberate.
14 The Defendant Belcher had the opportunity to weigh the pros and
15 cons as he pulled up on Franklin Street in the first instance.
16 Watson had the same opportunity as he took that long ride from
17 Faircrest down to They Say, as he sat at the corner of
18 Joseph Campau and Jefferson, even as he sat at the corner of
19 Franklin and Chene watching the events ahead of him. They each
20 had the opportunity to reflect upon it, weigh the pros and
21 cons.

22 Moving on to Count Two, Conspiracy to Distribute
23 Controlled Substances. There's overwhelming evidence about
24 Belcher's drug dealing, from the jail call where he sent
25 Ms. Blanks to pick up drug money and deliver drugs, the

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1 testimony of Ms. Banks, the testimony of Frank Aday, the
2 drug-related text messages and notations in Belcher's phone,
3 the testimony of Brown that Belcher supplied him with
4 marijuana, the testimony of Bailey regarding Belcher's drug
5 dealings with Wallace and others, and the testimony of Jackson
6 regarding admissions told him by Bailey, which were admitted to
7 you, Mr. Jackson testified for you, to show that Mr. Bailey was
8 being consistent about everything he told you later here in
9 court because before he even had a deal or anything like that
10 he had a catharsis. He started explaining himself to
11 Mr. Jackson.

12 And there's no question about the inseparable role the
13 drug dealing played in the fraudulent car scheme.

14 There's no question Belcher conspired with others to
15 distribute and did distribute drugs such as marijuana, cocaine
16 and oxycodone.

17 There's no question that the drug conspiracy fed into the
18 car scheme and vice versa.

19 There's no question Belcher knowingly and voluntarily
20 joined the conspiracy with all of his drug coconspirators.

21 With regard to Mr. Watson in Count Two, the elements are
22 there was a conspiracy or agreement among two or more people to
23 commit an illegal act, to wit, sell drugs and the defendant
24 knew of or joined the conspiracy.

25 There's no question that Belcher's car fraud/drug

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1 conspiracy existed or that two or more persons conspired or
2 agreed to join it. So did Watson. You heard testimony that
3 Watson was an enforcer for Belcher. That was his role in
4 connection to the drug conspiracy.

5 You heard testimony that Watson was at Zeidman's where
6 Belcher offered him and Brown compensation to kill Wallace.
7 Recall that this was a scheme prompted in part by Belcher's
8 drug trafficking.

9 Afterwards, Watson did surveillance with Brown for the
10 express purpose of finding and killing Wallace.

11 From the testimony of Chambers, Brown and Bailey, who says
12 Belcher told him Watson was the killer.

13 Watson was there on September 11th with his phone and did
14 the killing.

15 Given that Belcher denied calls with Brown's or Watson's
16 phones and Watson denied knowing this Byrd when interviewed by
17 Agent Rienarth and Watson had no explanations for why his phone
18 was in connection with Belcher's or this Byrd's phone on
19 September 11th, coupled with Watson's denial of being in the
20 area of They Say when his phone does put him there by at least
21 16:51:30, all of this shows Watson's consciousness of guilt.
22 It shows Watson's attempts to hide his connection to Belcher
23 and his whole involvement in this murder scheme.

24 One does not solely have to join the car fraud/drug
25 conspiracy as a dealer or customer. Also, this Court may give

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1 you an instruction that to join a conspiracy does not require
2 proof that Watson knew everything about the conspiracy or
3 everyone involved. Also, I believe this Court may instruct you
4 that once a conspiracy is shown an individual's slight role or
5 connection is enough to find him guilty. Ladies and gentlemen,
6 that is satisfied by Watson's role as the enforcer for Belcher.

7 Moving on to Count Three, Use of a Firearm. The third
8 charge is use of a firearm during and in relation to a
9 drug-trafficking crime. This count dovetails with the drug
10 conspiracy I just finished talking with you about.

11 With regard to Count Three, causing death through the use
12 of a firearm during and in relation to a drug-trafficking
13 crime, to be clear, ladies and gentlemen, although Belcher did
14 not use a gun, the law does not require him to personally use
15 the gun for him to be guilty of this offense.

16 I believe this Judge may instruct you that a person can be
17 guilty of this charge as an aider and abettor or as a
18 coconspirator. Here, although Watson used a gun and committed
19 the murder, he was aiding and abetting Belcher, who offered to
20 pay him and Brown to commit the murder. You even heard from
21 Brown that before this proffer was made he didn't know Wallace,
22 he had no reason to go and find Wallace, he had no reason to
23 kill Wallace.

24 There's no question Belcher committed the drug-trafficking
25 crime that was interwoven with this car fraud scheme. In fact,

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1 Belcher and Bailey lured Wallace there to participate in the
2 car fraud and drug-trafficking scheme. There's no question
3 Belcher and Bailey wanted Wallace dead because of disputes that
4 arose during and in relation to that car fraud and
5 drug-trafficking scheme.

6 There's no question, based upon the testimony, cell site
7 analysis and physical exhibits, that Chambers, Brown and Watson
8 were all there. Even surveillance video puts Bailey and
9 Belcher there.

10 There were two guns, a .40 caliber and a 9mm, and the
11 testimony was that Watson used the 9mm which killed Wallace.

12 You heard from MSP Officer Molnar, and he told you twelve
13 of those casings were 9mm, eleven of them came from the same
14 gun. He talked about one just being kind of unavailable to say
15 it was or wasn't, and I submit to you when you looked at the
16 video you saw at least seven or eight vehicles that rolled
17 through there or what have you. I submit that's what made that
18 inability to read that last shell. But he also told you that
19 there was a .40 caliber casing there as well.

20 There's no question a gun or guns would be used because
21 the killing had to be quick and fast. There's no question
22 Watson did the killing based upon Belcher's admission to Bailey
23 and the testimony of Brown and Chambers as supported by the
24 cell site analysis and the spent bullets and gun casings.

25 There's no question that an unsuspecting Devin Wallace

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1 lost his life due to twelve of the 9mm bullets being fired at
2 him and six hitting him in the head all at point-blank range.

3 For aiding and abetting I believe that this judge will
4 tell you in the instructions that any assistance is enough.
5 Belcher's assistance to Wallace was the Zeidman's offer of
6 payment to commit the murder, the passing along of information
7 to Watson through the phone call with Brown, the location as
8 well as who was standing outside the car and who was seated
9 inside.

10 As that surveillance video proves, in the split second
11 that he exited the car Mr. Watson already knew to avoid Bailey
12 and go straight to the occupant of the car. Think about it.
13 Mrs. Wallace said her husband rarely drove that car, and in his
14 video interview Belcher recounted only three times of seeing
15 Mr. Wallace inside that car. Brown said he and Watson got
16 their information about what cars Wallace drove from Belcher.
17 Brown even talked about seeing Mr. Wallace in a Jeep, in a
18 white Jeep.

19 It took Belcher and his calls to the Brown/Watson phones
20 on September 11 to tell them Wallace was inside that Benz.
21 Even in their failed attempt at surveillance Brown told you and
22 testified that he merely saw Wallace in a white Jeep. Watson
23 assisted Belcher by performing the execution of Wallace with
24 the firearm based upon the information Belcher passed to Brown
25 as relayed to Watson that Wallace was the occupant of the car

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1 and Bailey was standing outside.

2 For Count Three there is another way in which both
3 defendants are liable, and that is under the rule of law that
4 the acts committed by one coconspirator is attributable to all
5 of the members of the conspiracy. These defendants conspired
6 at Zeidman's to commit a murder. As I mentioned before, it
7 obviously had to involve a gun or guns to be quick and fast.
8 Both of these defendants joined the conspiracy at the Zeidman's
9 meeting and remained in it until the killing of Wallace was
10 achieved. The deliberate killing of Wallace was done to
11 continue the car fraud drug scheme without Wallace's
12 participation and interference in the money earned from the
13 scheme. The killing of Wallace, ladies and gentlemen, was
14 obviously committed during and in relation to the car
15 fraud\drug-trafficking scheme.

16 Count Four, Obstruction. The fourth and final charge
17 relates to Deaunta Belcher only. He is charged with making
18 misleading statements to police to hinder the investigation.
19 The evidence is that Belcher knowingly tried to mislead police
20 in September 2015 when he told them: One, he didn't know
21 Stephen Brown personally; that he did not have Stephen Brown's
22 phone number, two; and three, that he thought Stephen Brown was
23 still in jail.

24 With regard to Count Four, Obstruction of Justice,
25 Defendant Belcher, by being untruthful about calls to his phone

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1 before and after the murder, claiming he didn't know
2 Stephen Brown, claiming Stephen Brown was still in jail,
3 claiming the 1332 number belonged to Block, claiming he didn't
4 associate with Stephen Brown, claiming he didn't know
5 Stephen Brown's last name, these false statements obstructed
6 justice. Deaunta Belcher should have known these false
7 statements would be passed along to DEA because he planted the
8 cover story moments after the murder, and you heard what that
9 story was, that Wallace was killed for snitching in a federal
10 investigation. In fact, I submit he thought his false
11 statement would send the investigation in a different
12 direction, away from him, his cousins Bailey and Brown, and
13 Watson to other drug dealers already under investigation by the
14 DEA.

15 Ladies and gentlemen, over these last three weeks the
16 Government has provided you with overwhelming evidence
17 consisting of exhibits and testimony to prove the defendants'
18 guilt for each crime charged beyond any doubt, certainly beyond
19 a reasonable doubt. As a result, we ask you to return the only
20 verdict which this evidence supports, and that's that the
21 defendants are guilty on each and every count as charged.

22 I thank you for your time and attention.

23 **THE COURT:** Mr. Shea.

24 **MR. SHEA:** Yes. Thank you, Judge.

25 Good morning, ladies and gentlemen. I want to start by

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1 addressing the less-serious counts because I'm not going to
2 spend a lot of time on them. I'm going to start in fact with
3 Count Four, which is the count that charges Mr. Belcher with
4 obstruction of justice.

5 One of the elements that -- well, first, I mean, obviously
6 one element is that the person charged did something to mislead
7 or try to deceive law enforcement, and you heard the audio
8 clips of Mr. Belcher's statements to the police on September
9 the 24th. This count relates to his interview with DPD on
10 September the 24th, and I don't think you are going to have too
11 hard a time concluding that he didn't tell the truth all the
12 time in that interview, particularly when it came to his
13 relationship with Mr. Brown.

14 However, another critical element of that count is that he
15 must tell those untruths with the intent to hinder, delay or
16 prevent the communication of that information to a federal law
17 enforcement officer. I don't think there's any evidence
18 whatsoever to suggest that when he was talking to Detectives
19 Mitchell and Lucy on September the 24th at the Detroit Police
20 Department that he had the specific intent to somehow --
21 whatever it is he was saying was going to get communicated to a
22 federal law enforcement officer. So I think that, absent that
23 element, you can't convict him of that count.

24 With respect to Count Two, the drug conspiracy, and as I
25 said to you in opening statement, there's been a lot of

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1 evidence that's been presented to the effect that Mr. Belcher
2 was a drug dealer and that in connection with his drug dealing
3 he engaged with various people who in one form or another
4 assisted him in connection with that. That would include
5 Frankie Aday. That would include Steph Brown. That would even
6 include Latasia Banks, according to the evidence. And, of
7 course, you heard Mr. Belcher admit that he was a drug dealer
8 to police on September the 24th. So the fact that he was a
9 drug dealer is not in dispute.

10 As I also said to you in opening statement, that doesn't
11 make him a murderer, and he's -- Count Two just charges him
12 with the drug conspiracy. Count Three charges him with the
13 murder of Devin Wallace as an outgrowth of the drug conspiracy.
14 And merely because you may believe that the Government is
15 satisfied with its proofs with respect to Count Two doesn't
16 mean the Government has satisfied its proofs with respect to
17 Count Three, and that's what's of critical importance to
18 Mr. Belcher today. Nor does the fact that Mr. Belcher was a
19 drug dealer conclusively prove that Andre Watson was in that
20 conspiracy.

21 The fact that Mr. Belcher may have associated with
22 Frankie Aday and Nancy Eaton, Latasia Banks and Steph Brown
23 doesn't mean he's associated with Andre Watson in connection
24 with those drug-dealing activities. I'll let Mr. Johnson
25 address that more fully because I think that more centrally

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1 goes to his client's concerns, but I wanted to point that out.

2 It should be obvious to everybody in this courtroom that
3 the main reason why this trial has taken place is over, at
4 least from Mr. Belcher's point of view, is over whether or not
5 Mr. Belcher was involved in the death of Devin Wallace. So I'm
6 going to turn to that, and I'm going to spend the rest of my
7 time on that issue, that broad overarching issue.

8 And I want to start by saying -- this may help you
9 understand my argument, the structure of it as I go through,
10 and it may help me as I try to keep it structured as I go
11 through. There are three broad reasons why I will be arguing
12 to you at the conclusion of this summation why I believe you
13 need to acquit Mr. Belcher of the murder charges.

14 First, the Government's case relies primarily on you
15 believing beyond a reasonable doubt a collection of very
16 untrustworthy people, who are habitually untrustworthy, who
17 have lived practically their entire adult lives as being
18 untrustworthy.

19 Second -- and I am talking about again primarily
20 Billy Joe Chambers, Darnell Bailey and Steph Brown. We'll talk
21 about Latasia Banks and Sean Jackson in a little bit, but the
22 three primary witnesses whom the Government relies on are
23 Chambers, Bailey and Brown.

24 Second, not only did Chambers, Bailey and Brown
25 demonstrate through their lifestyle that they are untrustworthy

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1 people, they have undeniable and clear motive to lie about
2 Mr. Belcher in this case.

3 And, third, the evidence that the Government points to
4 that it would argue corroborates these untrustworthy people's
5 version of events does not necessarily corroborate those
6 untrustworthy people's version of events.

7 So, with that sort of structure, let's dive into it in a
8 little more detail. Let's start with what we know for sure
9 because even the untrustworthy people admit it.

10 We know that Chambers, Brown and Bailey were involved in
11 the murder of Devin Wallace. Bailey tried like heck to say he
12 wasn't really, and we'll talk about that in a minute as well,
13 but we know, I mean these people have pled guilty to murder for
14 hire. It's not a whodunit when it comes to them. The issue is
15 can the Government prove beyond a reasonable doubt to you that
16 Deaunta Belcher was part of their conspiracy.

17 I believe the judge will instruct you, I believe the judge
18 will instruct you that proof beyond a reasonable doubt is proof
19 that is so convincing that you would not hesitate to rely on it
20 in making the most important decisions in your own lives, and I
21 submit to you that the testimonies of Chambers, Bailey and
22 Brown aren't that kind of proof, don't carry that kind of
23 convincing weight.

24 We know that Stephen Brown previously had been convicted
25 multiple times of felonies involving theft and stolen property.

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1 We know that he was on parole at the time of the murder. We
2 know that he's 29 years old. For virtually all of his 20s he
3 was locked up.

4 We know that Billy Joe Chambers had multiple convictions
5 involving stolen property and robbery. We know he was on
6 parole at the time of the murder.

7 We know that Darnell Bailey had multiple convictions,
8 three I believe, two for unemployment insurance fraud, one for
9 receiving and concealing a stolen automobile. He was on
10 two separate probations at the time of the murder, and we know
11 that he was engaging in various ongoing frauds, notwithstanding
12 his convictions, up to and through the time of the murder. We
13 know that Darnell Bailey was so incorrigible in connection with
14 his frauds and deceptions that he sought to educate others,
15 like Sean Jackson, while he was locked up on how to commit
16 frauds and deceptions.

17 We know that he even had his family send a deceptive
18 letter to Judge Marlinga in the Macomb County Circuit Court
19 seeking early discharge from probation, telling the Court that
20 he was at present locked up on charges of murder but that he
21 wasn't a murderer. This was in October of 2017, a few months
22 before he pled guilty to being a murderer.

23 I don't think I'm saying it too strongly when I say that
24 Mistrs Brown, Chambers and Bailey are habitual liars and
25 cheats. Then they come to this case. During the investigation

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1 of this case they remained true to form.

2 Billy Joe Chambers had three separate police interviews.
3 He lied until -- about his own involvement until the very end
4 of the third interview.

5 Mr. Bailey spoke to police twice on September the 11th,
6 wasn't forthright with them; spoke to them on September 17th,
7 wasn't forthright with them; spoke to them on March the 8th,
8 wasn't forthright with them. Always played off that he didn't
9 know anything about it, that he suspected that Wallace was
10 killed by others because he was snitching.

11 Mr. Brown, likewise, in the first interview he gave with
12 the federal agents on March 9, 2015 acknowledged lying
13 throughout that.

14 When they ultimately confessed their involvement, when
15 eventually they put themselves in the crime, they didn't do it
16 out of some sense of moral obligation or ethical obligation.
17 Mr. Chambers told us that he confessed because law enforcement
18 showed him the evidence and he didn't want to go away for life.

19 Mr. Bailey confessed after reviewing the indictment and
20 after having been told by police repeatedly on March 8th, 2016
21 that he needed to do damage control, and they were offering him
22 a way out through cooperation from a life sentence.

23 Stephen Brown acknowledged to us that he had been locked
24 up for most of his 20s, as I have previously mentioned, and he
25 wanted an opportunity to get out some day, and the Government

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1 gave him that opportunity through cooperation.

2 None of these people ultimately came to Jesus with respect
3 to their involvement in these cases because they had all of a
4 sudden an epiphany about doing the right thing. They all came
5 to the table because they wanted something pretty important to
6 them in return, and the fact they didn't have a plea agreement
7 yet doesn't change that elemental fact. These people came to
8 the table because they wanted something important in return.

9 Their lack of candor continued through their testimony at
10 trial. Let's start with Mr. Chambers. No fewer than six times
11 he refused to answer my questions. I didn't count how many
12 times he refused to answer Mr. Johnson's questions.

13 At least twice he acknowledged testifying at trial
14 differently than he had testified before the grand jury. At
15 least once he acknowledged testifying at trial to you
16 differently than he had told law enforcement just three weeks
17 earlier.

18 In connection with that last one, you will remember him
19 testifying about bleaching the car and you will remember him
20 testifying to you that Steph Brown didn't help him bleach the
21 car, and then he acknowledged having told law enforcement
22 three weeks earlier for the first time that he had bleached the
23 car and that Steph Brown had helped him.

24 The point is this. Ultimately Mr. Chambers agreed with me
25 that he didn't always tell facts the same way, and isn't that

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1 sort of the essence of somebody who is untruthful and
2 unreliable and how can you believe him in connection with the
3 most important decisions of your life?

4 It also tends to put the lie -- Mr. Chambers had these --
5 it's been a long time, but I think you probably can remember
6 back. Mr. Chambers had a way of speaking that was kind of
7 repetitive, and one of the things that he kept repeating was "I
8 lied then, but I'm telling the whole truth now because my
9 cooperation agreement requires me to be truthful and honest
10 with the jury and with everybody in the courtroom." Can you
11 remember him saying that any number of times?

12 Well, when on cross-examination he has to acknowledge he
13 didn't tell the facts the same way twice even to you, it kind
14 of undercuts that sentiment. And, furthermore, how would you
15 know with somebody like that when they really mean it? Okay,
16 I'm telling you the truth now, I really mean it.

17 Let's move on to Mr. Bailey and his testimony here. He
18 constantly tried to weasel out of responsibility for
19 everything, it seemed, that he's done in his life that was
20 wrong. Early on Mr. Cralle tried to get Mr. Bailey to explain
21 one of his convictions, it was the receiving and concealing a
22 stolen automobile conviction, and you will remember Mr. Bailey
23 saying, well, yeah, I pled guilty to it, but it was really a
24 technical violation. I learned afterwards that when a car gets
25 repossessed it's not really mine anymore, it's theirs, and so

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1 technically I was in possession of a stolen vehicle and that's
2 why I pled guilty to it.

3 He told you that until he got involved with the Government
4 he didn't consider straw buying to be fraud. He told you that
5 when he educated Sean Jackson as to how to commit frauds when
6 they were together in pretrial detention it was because he
7 wasn't used to the federal system and didn't realize that he
8 shouldn't have opened up to Mr. Jackson in that sense, in that
9 respect. He blamed Mr. Jackson for essentially getting the
10 information out of him.

11 He told you that he didn't know that the letter that his
12 family sent on his behalf to the judge would say what it said.
13 He told you he didn't know that Mr. Wallace was going to be
14 killed on September the 11th.

15 And his last words to me on cross-examination were: "I
16 don't feel like I should do any time except for the frauds, to
17 be honest with you," and this is from a guy who earlier this
18 year or late last year, I forget what day it was, but you could
19 check it out, on his Rule 11 Plea Agreement pled guilty to
20 Murder for Hire. This is a man who not only doesn't have a
21 moral compass, he doesn't seem to have the capacity to be truly
22 forthright even when he's on the witness stand under oath and
23 talking to you.

24 Mr. Brown is another person who can't seem to tell --
25 can't seem to tell a story the same way twice. I'll give you

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1 some examples.

2 To you he testified that he received \$500 directly from
3 Deaunta Belcher in partial payment for the murder. To agents
4 he said he never received anything from Deaunta Belcher.

5 To you he said I didn't have any telephone conversations
6 with Darnell Bailey before the murder. To agents he said he
7 did have telephone conversations with Darnell Bailey before the
8 murder.

9 To you he said he didn't have any discussions with
10 Darnell Bailey after the Zeidman's meeting about getting the
11 murder done. To agents he did have those discussions.

12 He couldn't keep his story straight even between day one,
13 when he testified on direct examination, and day two, when he
14 testified on cross-examination. Again, some examples:

15 The Government asked him about whether he had gotten a
16 telephone call from Mr. Belcher about trying to locate
17 Mr. Wallace on Grand River near a mechanic shop, and Mr. Brown
18 said I got a telephone call from Mr. Belcher about that and
19 this occurred between August 26th and -- August 25th and August
20 the 31st.

21 On cross-examination the next time we were in court --
22 maybe it wasn't the next day, I don't remember if there was a
23 weekend in between because the dates blend together, but I
24 think it was the very next day -- his story had changed. He
25 still says he got the telephone call from Mr. Belcher but that

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1 it occurred sometime between August the 11th and August the
2 25th.

3 There is a second example, and then I'm going to tell you
4 why these are important. On day one in direct exam after the
5 discussion of whether Mr. Brown was asked to try to locate
6 Wallace near Grand River and the mechanic shop, after that the
7 next line of questioning had to do with did you receive
8 frequent calls from Mr. Belcher after that, between the end of
9 August and September the 11th, and Mr. Brown described it yes,
10 he had. On cross-examination the next day he, again, changed
11 his mind and, again, he said, well, those calls actually
12 started -- I got frequent calls between August the 11th and
13 September the 11th, an entire month.

14 Why am I harping on this? Why is this important? It's
15 important because, if you accepted Mr. Brown's testimony on
16 direct day one, you would know they were lies because if you
17 look at the call detail records there were no telephone calls
18 from Mr. Belcher to Stephen Brown from August the 26th until
19 September the 9th. He could not have been calling Mr. Brown to
20 try to find Wallace on Grand River between the 25th and the
21 31st. He could not have been calling Brown frequently between
22 the end of the month and September the 11th because they
23 weren't having conversations or at least Mr. Belcher was not
24 calling Mr. Brown.

25 There are times when people aren't telling the truth

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1 because they are simply mistaken. People make mistakes. Then,
2 there are times when people aren't telling the truth because
3 they don't want to be forthright. Mr. Brown's -- I'm just
4 giving you some examples. Mr. Brown's discrepancies, his
5 change of testimony from one day to the next, his change in
6 recollections from one interview to the next or from
7 one interview to his testimony today, they are too numerous,
8 they are too regular to simply be mistakes.

9 Mr. Brown's demeanor with the Government was completely
10 different than his demeanor with me. I could have challenged
11 him on whether the sun rose in the east, and he would have said
12 it didn't or he never testified that it did.

13 He clearly wanted to feed the Government the information
14 that the Government wanted fed and he wanted to fight with
15 everybody else, and he caught himself up in numerous
16 discrepancies as a result of that and that's a sign of someone
17 who doesn't have candor, who is not honest, who is deceptive,
18 not just someone who is mistaken.

19 In addition to these cooperators being liars by nature and
20 liars by habit, it can't be denied that they have a strong
21 motive to lie about Mr. Belcher in this case. They knew that
22 the only way they were going to have an opportunity to walk the
23 streets again was to cooperate.

24 As we heard Sergeant Eby say to Darnell Bailey, they had
25 to tell on people. That was the only way they could do damage

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1 control. Implicating Mr. Belcher was not hard to do even if it
2 wasn't the truth.

3 Mr. Chambers was shown four photos and asked to describe
4 the roles of each them. Well, he knew that Mr. Belcher wasn't
5 in his car. He knew that Mr. Belcher wasn't at the window of
6 the victim's car. He knew that Mr. Belcher was a boss of
7 Stephen Brown in the drug business. He knew that Mr. Belcher
8 and Mr. Bailey were associated. It's not hard to say, well,
9 jeez, if I'm being shown the photograph he must have a role,
10 his role must be as some guy who gives instructions or is a
11 director of some kind or is behind the scenes in some fashion.
12 It's not hard to make that up.

13 With respect to Stephen Brown, by the time he was
14 cooperating he had the indictment and the indictment laid it
15 out. This is the original indictment, which is in evidence as
16 Defendant's Exhibit G1, and if back in the jury room you look
17 at Defendant's Exhibit G1 and you go to Page 3 that describes
18 the manner and means of the conspiracy, you will see language
19 that says the Government alleges Deaunta Belcher agreed to pay
20 Stephen Brown a sum of U.S. Currency to murder Devin Wallace
21 because of his cooperation with the DEA. You will see the next
22 paragraph says that Deaunta Belcher and Darnell Bailey arranged
23 to meet with Devin Wallace on the afternoon of -- at They Say
24 Restaurant, and it will continue on, regarding that being the
25 way that Wallace was killed. Brown has the indictment by the

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1 time he's cooperating. He knows what the Government's theory
2 is.

3 With respect to Mr. Bailey, he also had the indictment by
4 the time he was cooperating, but in addition to that, he had
5 Sergeant Eby telling him in their interview in March of 2015
6 what everybody's roles were, and Sergeant Eby said to him, hey,
7 we know Belcher was the mastermind, you've got to tell on him.
8 It's not hard for any of these three men to know how to frame
9 Deaunta Belcher within the Government's theory.

10 And Bailey was more than happy to adopt that theory
11 because if you look at the evidence it looks kind of compelling
12 that he actually was the one who organized this whole thing.
13 He acknowledged on cross-examination that he had plenty of
14 motive. Wallace had cheated him out of tens of thousands of
15 dollars over the previous two or three years, and he detailed
16 it.

17 Brown told us that the Zeidman's meeting was initially
18 arranged between him and Belcher by phone so that he could get
19 a resupply of marijuana to sell. He told agents that when he
20 was on that call with Belcher setting up that meeting he heard
21 another voice over the phone screaming about how the victim had
22 to be killed because he was messing with that guy's money. At
23 the Zeidman's meeting he met Bailey and he recognized the voice
24 as having been Bailey's.

25 So the first contact, if Brown's statement to the agents

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1 is to be believed, that he knew that somebody wanted the victim
2 dead was through Bailey telling him that, not Belcher telling
3 him that.

4 Brown also told agents that he and Bailey communicated by
5 phone before the murder about it and that Brown used a
6 different number than the one we became familiar with through
7 the call detail records, which is why you wouldn't see those
8 calls in the call detail records.

9 The evidence is that Bailey paid money that filtered its
10 way to Brown through the Motor City Casino meeting. That,
11 Brown testified, was set up by a phone call that he and Bailey
12 had, which confirms that he and Bailey were capable of
13 communicating by telephone directly.

14 Bailey also told us that he was associated with a number
15 of other people who were beefing with Wallace and at least
16 one of whom who had actually said that he wanted Wallace dead,
17 and that these other people knew that Bailey was associated
18 with the victim, Bailey was close to the victim, and presumably
19 could help facilitate state that.

20 We know, just talking about September 11th, we know that
21 the victim was in a hurry. We know that he kept his engine
22 running. We know that he didn't want to come into the
23 restaurant. We know that Bailey engaged him in conversation
24 for 20 minutes outside on the side of the road. You can watch
25 the full 20 minutes at some point, if you'd like. We know that

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1 Bailey knew he was in a white Benz. We know that, we have
2 evidence that suggests that Bailey and Brown had the ability to
3 communicate directly with each other. Bailey actually told us
4 that he knew that Wallace was going to be driving the white
5 Benz before Wallace even arrived at the They Say meeting, and
6 finally, Sean Jackson testified that when Bailey was talking to
7 him about the murder when they were locked up together Bailey
8 omitted any mention of Bailey's beefs with Wallace. Obviously
9 he didn't want to talk about that, he wanted to deflect
10 attention elsewhere, and yet Jackson was insightful enough
11 about Bailey to tell the grand jury that Bailey had a motive to
12 deflect blame onto Belcher so that Bailey wasn't blamed on the
13 street for Wallace's murder. There's a fair amount of evidence
14 here that points to Bailey as the real mastermind in this
15 conspiracy and not Mr. Belcher.

16 The Government claims that Chambers' and Bailey's and
17 Brown's stories about Mr. Belcher's role in this are
18 corroborated by other evidence, but that isn't necessarily so.
19 There's a series of things.

20 Let's start with the suggestion that Mr. Belcher had
21 motive. The only person who has told you that Mr. Belcher had
22 a motive to kill Wallace is Mr. Bailey.

23 And what did Mr. Bailey say first about that? In his very
24 first interview after he signed his proffer agreement in
25 November of 2017 he said that Mr. Wallace and Mr. Belcher had a

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1 grudge because Mr. Belcher stiffed Mr. Wallace on a drug deal.

2 He didn't say anything about anything else. He didn't say
3 Belcher was mad at him because of fraud. He didn't say Belcher
4 was mad at him because of any other drug-related reason. But,
5 by the time we got to trial, Bailey's story had morphed into
6 Belcher was mad at Wallace for the same reasons that all of us
7 were, because Wallace kept messing with our money, and also
8 because Wallace had sold Belcher some bad heroin.

9 Well, if that were true, why didn't Bailey say that to the
10 agents in the same interview that he signed his proffer
11 agreement where he agreed he was going to tell the truth and he
12 was going to volunteer all information reasonably related and
13 not omit things. Why didn't he tell it then?

14 The reason Mr. Bailey's story had to change over time is
15 because it doesn't make sense for Mr. Belcher to be mad at
16 Mr. Wallace over the fact that Mr. Belcher stiffed him on a
17 drug debt. That's not, you know -- if I were Mr. Wallace and I
18 had been stiffed on a drug debt, I might have wanted
19 Mr. Belcher dead, but it doesn't work the other way around.
20 It's doesn't make sense. So that's why Mr. Bailey's story
21 changed, and that's why it's not reliable.

22 The Government points to the fact that Mr. Belcher lied to
23 police about knowing Brown, about knowing Watson, about Brown's
24 1332 number belonging to another worker of his by the name of
25 Block or Blockhead. Mr. Belcher did lie about those things.

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1 That doesn't make him a murderer. That doesn't corroborate
2 Bailey's and Brown's and Chambers' story about Belcher being
3 involved in this murder.

4 Detective Mitchell acknowledged that people lie to him all
5 the time in police interviews whether they are guilty or not.
6 He acknowledged that a drug dealer might lie about the identity
7 of persons who work for him, particularly if that drug dealer
8 is under charges himself, which Mr. Belcher was. That a drug
9 dealer might lie about people who work for him if they have
10 their own troubles with the law, which we know Stephen Brown
11 did. He was on parole. He was not supposed to be selling
12 drugs at all, but particularly not when you're on parole. So
13 there's any number of reasons why Mr. Belcher may have lied to
14 police, but they are unrelated to whether or not he was
15 involved in a murder.

16 The Government points to the Pantheon episode supposedly
17 occurring on August the 25th. First, I don't know how
18 Steph Brown could have remembered from the witness stand last
19 week that he knew specifically that episode happened on August
20 the 25th, 2015. He couldn't even tell me how far it was or how
21 long it would take to get from Faircrest Street to the Family
22 Dollar or to get from the Family Dollar to his house,
23 notwithstanding the fact that he was familiar with all of those
24 places, but he remembers specifically August the 25th, that was
25 the date of the Pantheon episode. I don't think his memory is

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1 that good. He was rehearsed.

2 More to the point, on cross-examination he acknowledged
3 that the Pantheon episode happened at night. It didn't happen
4 in the afternoon. He wouldn't have gotten any calls from
5 anybody about where Wallace was at The Pantheon Club after
6 8 o'clock at night. He said that.

7 So all of the calls that the Government is pointing to in
8 that Exhibit 16, I think, that showed a bunch of back and forth
9 between 4:00 and 5:00 or 3:30 and 4:30 or whatever it was are
10 not related to the Pantheon episode, and they are testament to
11 the fact that these people talk to each other all the time
12 anyway about other stuff. I mean, the Government wants you to
13 think that they were just fixated, all five of them, on
14 Devin Wallace all of the time. That's not true. They have
15 other lives. They were doing other things, a lot of them were
16 illegal, but they had any number of reasons why they would be
17 talking to each other.

18 They point to Zeidman's as the place where the plot was
19 hatched, except that we know from Mr. Brown's testimony, and he
20 had no reason to lie about this, that the reason he was going
21 to Zeidman's in the first place was to get resupplied with
22 marijuana by Mr. Belcher. That doesn't mean that he had a
23 discussion with Mr. Belcher at that meeting about killing
24 Wallace, although certainly could have had that discussion with
25 Mr. Bailey at that meeting because he was present.

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1 They point to Latasia Banks, Mr. Belcher's former
2 girl friend, mother of his children, as corroboration of his
3 involvement because of her testimony that he confessed to her a
4 month afterwards. First, I'm not sure that the words "nigga
5 too greedy, he had to go" is a confession as opposed to an
6 observation. Mr. Belcher may have known why Wallace was
7 killed. That doesn't mean he was involved in it.

8 But even if you accept it as her testimony, that he
9 confessed to her, you shouldn't believe it. This is more
10 bought-and-paid-for testimony. It is testimony that was given
11 in return for leniency in her own very recently brought case,
12 and it's inconsistent with two other significant pieces of
13 evidence.

14 I invite you back in the jury room to listen to jail call
15 Government Exhibit 18A. That's the call that we heard between
16 Mr. Belcher and her where the call begins with some just
17 general hi, how are you doing sort of things, and then we're
18 going to talk more about that beginning. It segues. It was
19 important to the Government because it demonstrated Mr. Belcher
20 instructing Ms. Banks about who owed money for drugs. So
21 that's why it was played.

22 But, if you go back and you listen to the early portion,
23 you hear Mr. Belcher ask what happened, and you hear Ms. Banks
24 say that on the news the night before they had described him as
25 the one who had put the hit out and then you hear her say, she

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1 thought to herself, "yeah, right." And then you hear
2 Mr. Belcher say, "That shit's crazy, I had nothing to do with
3 that shit." And Latasia responds, "Keep your head up, babe.
4 Stay strong."

5 This is not the kind of conversation that two people have
6 if they previously had a conversation where Mr. Belcher has
7 confessed to Latasia Banks, "Hey, I had something to do with
8 this." Go back and listen to that conversation.

9 The second significant piece of evidence that belies her
10 claims that Mr. Belcher confessed to her is the fact that last
11 April she talked to my investigator Desiree Edwards, who asked
12 her whether she had any information that indicated that
13 Mr. Belcher was involved, and she said no. At that time she
14 didn't have any reason to lie to Desiree Edwards. She didn't
15 have any reason to mislead me, but she had plenty of reason to
16 lie to the Government.

17 Let me point out one other thing as an aside. She
18 testified under oath that she was only involved in
19 Mr. Belcher's drug business after his arrest, but we know from
20 Frankie Aday's testimony that's not true. Frankie Aday
21 testified that early on when he and Nancy were getting drugs
22 from Deaunta they were also getting them from Latasia, and they
23 were getting them dropped off at Nancy's house where Frankie
24 lived and the reason they were getting dropped off there is
25 because it was close to where Latasia worked and Latasia

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1 sometimes made the deliveries. And so she lied to you about
2 that, too. She's not believable.

3 Let's talk about the call detail records and particularly
4 the call detail records on September 11th. The Government
5 suggests that these records, combined with the video,
6 corroborate the fact -- corroborate Stephen Brown's testimony
7 that Belcher was giving them directions.

8 I suggest that you can't just look at the dates and times
9 of the records themselves and the video. You have to pay
10 attention to the testimony that Brown gave in connection with
11 them.

12 And just to introduce this part, remember that there are
13 exhibits, Defense Exhibits K1 and K2, for instance, that show
14 that he and Brown had very regular, very extensive contact for
15 weeks and weeks leading up to September the 11th. So it
16 certainly wasn't unusual for them to have a lot of discussions.

17 We even heard Agent Rienarth testify that on some days
18 they talked just as often, just as many times on those other
19 days as they did on September the 11th. So it's not like it
20 sticks out like a sore thumb and that it never happened before.

21 There's nothing intrinsically suspicious about calls
22 between, even a lot of calls, between Belcher and Brown. What
23 makes them suspicious to the Government is the timing of them.
24 I've got to give them that, the timing is something that if
25 you're the Government you're going to be suspicious about it,

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1 but also what Mr. Brown says about those calls. And so that
2 means you've got to believe Mr. Brown, what he says about those
3 calls.

4 Again, what Stephen Brown actually says about those calls
5 depends on the day on which he was testifying. On day one he
6 testified that he got all kinds of telephone calls from
7 Mr. Belcher starting with the "big fish" call all the way while
8 they were traveling to They Say from Theodore Street and until
9 they arrived there, all of these telephone calls from
10 Mr. Belcher he testified to having occurred on direct
11 examination. The problem with his testimony is that, again,
12 there aren't that many telephone calls from Mr. Belcher to
13 Mr. Brown on that day. There's only two. There's three if you
14 count one that goes to voice mail, but in terms of
15 voice-to-voice contact, there was two.

16 So on day two, of course, Mr. Brown's testimony has
17 changed. These aren't all telephone calls from Mr. Belcher to
18 him. They are telephone calls that Mr. Brown has placed to
19 Mr. Belcher, which is a little closer to the truth. He does
20 place some telephone calls to Mr. Belcher on that day in that
21 period of time. Not nearly as many as he says and ultimately
22 not at the times he says that he placed them.

23 So, for instance, he says that he sees the white Camaro
24 that Mr. Belcher was driving, driving away from him on
25 Joseph Campau. We have all seen that on the video. He makes

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1 the left-hand turn off Franklin on Joseph Campau, makes another
2 left-hand turn, we hear from Officer Mitchell, that he parked
3 in front of his residence for a few minutes.

4 Brown testified that after he saw Belcher pull away that
5 he called Belcher from his phone a number of times and he
6 called Belcher one time on Watson's cell phone after he sees
7 Belcher drive away. This can't be true. It isn't true.

8 The video tells us that Belcher pulled off at 4:51 p.m.
9 if you correct the video time by subtracting a minute and
10 45 seconds. The video tells us that Chambers' car drives that
11 same route down Joseph Campau passing Franklin Street where the
12 Benz is parked and Gino is standing next to the window at
13 4:55 p.m., four minutes after Belcher is already gone.

14 After that, of course, after 4:55, Chambers' car does the
15 big loop to get back to Franklin Street to pull up and ambush
16 Wallace from behind. There are no calls, no calls, zero calls
17 to or from Belcher and Brown or Belcher and Watson in that
18 period of time.

19 Brown says that when they were stopped behind the school
20 bus very shortly before pulling up on Wallace that's when he
21 used Watson's phone to call Belcher. Again, there are no
22 records that confirm that. As a matter of fact, they confirm
23 the opposite. There were no calls then.

24 So it doesn't make sense for the explanation for these
25 clear inaccuracies to be they are just innocent inaccuracies.

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1 Mr. Brown met with the Government prior to taking the stand.
2 He went over his reports. He went over his anticipated
3 testimony. There's only one explanation for why Mr. Brown
4 can't tell the story correctly, and that's that he can't keep
5 his lies straight. He's not believable.

6 It is not Mr. Belcher's burden to prove to you what might
7 explain events differently than how the Government wants you to
8 believe them, but let's think about some things. One thing
9 that everybody seems to agree with is there was supposed to be
10 a meeting at They Say late that afternoon, and Mr. Bailey said
11 there were two reasons for it: One was to sell a car and
12 one was to meet with some other people about some other general
13 business-related accounts, some Juan guy and somebody else.

14 It's not disputed that Mr. Bailey arrived first, that
15 Mr. Wallace arrived second, somewhere around 4:30 or 4:35, that
16 Mr. Belcher somewhere around 4:45. There's no dispute that
17 Mr. Belcher and his daughter exited the Camaro, walked up to
18 the door of They Say, you see some conversation between him and
19 Mr. Bailey, and Mr. Belcher turns around and walks back.
20 Mr. Bailey tells us that he told Mr. Belcher there's nobody
21 here.

22 Mr. Belcher goes back to his car, gets in the car,
23 and after a few minutes drives away at 4:51. Per
24 Detective Mitchell, who reviewed video that we don't have,
25 but who reviewed the River Place Apartment video, Mr. Belcher

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1 arrived home around 4:52.

2 According to the call detail records, Detective Mitchell
3 confirmed Mr. Bailey placed a call to his girl friend at 4:54.
4 We know from the call detail records he got a call from
5 Mr. Bailey at 4:57 that lasted 80 seconds. During that period
6 of time, if you do the math, Mr. Bailey would have had to have
7 been at the window of Mr. Wallace's car during that
8 conversation. You can actually see, if you look at the video
9 around that time, Mr. Bailey going into his pocket and pulling
10 something out.

11 According to Detective Mitchell, at 4:59, after the
12 80-second contact with Mr. Bailey, Mr. Belcher leaves the car,
13 goes in the apartment complex where his residence is for a
14 couple minutes, comes back out, it's 5:01, gets back in the
15 car, immediately turns around and heads back to the scene.

16 Belcher could not have known that Wallace had been killed
17 by then. He hadn't had any communication with anybody to have
18 let him know that. The more reasonable explanation is he was
19 going back to the scene as an outgrowth of that 80-second call
20 he had gotten from Bailey at 4:57. That's the more reasonable
21 explanation.

22 Bailey says we didn't actually have a call. I dialed him,
23 and then I thought better of it and I just forgot to hang up
24 and it was 80 seconds of dead air. There's a problem with
25 that, ladies and gentlemen. It's a very serious problem. It's

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1 Mr. Belcher's records that show the 80-second call.

2 If I call one of you and I'm not talking and it sounds
3 like a butt dial, are you going to wait for a minute and-a-half
4 before hanging up? No, you are going to hang up. After
5 realizing, okay, this isn't a real call, you are going to hang
6 up. It's not going to show up as an 80-second call on the
7 recipient's records. It may show up as an 80-second call if
8 it's a butt dial on the dialer's, but the fact that the
9 recipient's records show an 80-second connection indicates that
10 Mr. Belcher was doing something on that connection and what he
11 was doing was talking to Mr. Bailey and probably Mr. Wallace.
12 It's another example of how Mr. Bailey is a liar.

13 Why is Gino lying about that? Is it because he placed
14 that 80-second call to Mr. Belcher at 4:57 p.m. in order to
15 hold Mr. Wallace at the scene a little bit longer? Is he doing
16 that because he knew that the shooters were getting close or
17 were imminently arriving, as they did just a couple minutes
18 later, and did he know that because he had the capacity to have
19 direct communications with Stephen Brown that don't show up in
20 the call detail records because Stephen was using a different
21 phone? Why else would Mr. Bailey lie about not actually having
22 what clearly was an 80-second contact with Mr. Belcher at
23 4:57 p.m.?

24 This doesn't change the fact that Mr. Belcher had contacts
25 with Mr. Brown that afternoon, and he had a couple with

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1 Mr. Watson as well. But, again, in order for you to construe
2 those contacts as being related to the murder of Devin Wallace,
3 you've got to believe Stephen Brown beyond a reasonable doubt,
4 and I don't think that Stephen Brown's testimony carries that
5 weight.

6 I'm almost done here.

7 Let's remember a couple other things. This murder
8 occurred a block and-a-half from where Mr. Belcher lived at
9 5:00 p.m. on a Friday afternoon, broad daylight. Who does
10 that? I mean, if you really want to kill somebody are you
11 going to do it a block and-a-half from your house at 5:00 in
12 the afternoon? Are you going to go back to the scene, and
13 innocent or not, you are going to take your daughter with you?

14 He told Gino to call 9-1-1. He stayed and he spoke with
15 the police. Those are not actions that are consistent with
16 somebody who is involved in a murder.

17 I'm going to conclude.

18 The foundation for the Government's murder case against
19 Mr. Belcher is built on sand. Every relevant law
20 enforcement -- I'm sorry, non-law enforcement witness in this
21 case is singing for their supper, is telling you something that
22 they want you to believe so the Government gives them something
23 in the end that is very significant, their liberty. They get
24 to go home. Maybe not right away, but a hell of a lot sooner
25 than they would otherwise. That is a powerful, powerful

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1 motivator, and they are seeking to bury Mr. Belcher so they can
2 go free.

3 The judge may instruct you on how to consider such
4 evidence, and I ask you to take that instruction really to
5 heart. These are people who have lived their lives as liars,
6 cheats and thieves, as I have said more than once, and the
7 other evidence in this case, the videos, the call records make
8 sense to the murder case only if you believe these liars,
9 cheats and thieves beyond a reasonable doubt, only if you would
10 rely on their word in making the most important decisions in
11 your own life. I don't think their word is worth that kind of
12 reliance, and so I'm asking you to find Mr. Belcher not guilty
13 of the homicide counts. Those are Counts One and Three.
14 Thank you.

15 **THE COURT:** We'll take a short recess, ladies and
16 gentlemen.

17 **MR. JOHNSON:** Judge, may we approach after the --

18 **THE CLERK:** All rise for the jury.

19 (Jury out at 11:04 a.m.)

20 **THE COURT:** Yes, Mr. Johnson.

21 **MR. JOHNSON:** Yes, Judge, I wanted to approach.

22 **THE COURT:** Pardon?

23 **MR. JOHNSON:** I wanted to approach on an evidentiary
24 issue.

25 **THE COURT:** Go ahead.

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1 **MR. JOHNSON:** I believe that Mr. Haugabook argued to
2 the jury that my client made a statement, he talked about the
3 substance of that statement, and he based an argument on that
4 statement. That statement never came in. There was no
5 testimony to that statement. That statement was not admitted,
6 no, and -- unless I overlooked it.

7 **MR. CRALLE:** You did. The statement came in.
8 Special Agent Rienerth testified on Monday about his interview
9 with your client. He did not introduce the oral statement. He
10 testified to the substance. Every single bit of that came in.
11 We can pull the transcript.

12 I asked the questions. That was the testimony. That was
13 Monday.

14 **MR. JOHNSON:** I don't recall that, Judge.

15 **MR. CRALLE:** Well, I recall it distinctly, last
16 Monday.

17 **THE COURT:** The jury will recall the testimony. You
18 can argue that he didn't make the statement, but it's up to the
19 jury to decide whether he made it or not.

20 I'm not going to correct anything Mr. Haugabook said. You
21 can argue that Mr. Haugabook said Mr. Watson made a statement.
22 "My recollection, ladies and gentlemen of the jury, is he did
23 not make a statement. It's for you to decide." I mean, you
24 will deal with that in your argument, and you will deal with it
25 in your argument.

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1 MR. CRALLE: Yes, Your Honor.

2 || **THE COURT:** Thank you. I'll be back.

3 MR. SHEA: How long, Judge?

4 **THE COURT:** I will tell you, the Marshals govern the
5 time of the recess, okay? You have control of it.

6 **MARSHALL:** You've got it. All right.

7 **THE COURT:** I may not like what you do, but you still
8 have it.

9 **MARSHALL:** Will do.

10 **THE COURT:** Unless you want to use the public
11 restroom.

12 (Recess from 11:07 a.m. to 11:37 a.m.)

13 **THE COURT:** Okay. Everybody be seated, please.

14 Bring in the jury.

15 **THE CLERK:** All rise for the jury.

16 (Jury in at 11:38 a.m.)

17 THE COURT: Be seated.

18 Mr. Johnson.

19 (11:39 a.m.)

20 **MR. JOHNSON:** Good morning, ladies and gentlemen.

21 Thank you for serving. Thank you for your attentiveness.
22 If there's been any exchanges between me and the judge or the
23 Government lawyers that you find offensive, I apologize, and I
24 ask you not to hold that against my client. I have the utmost
25 respect for counsel at this table as well as the Court.

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1 If you recall when we first met, I told you that I was
2 going to make a promise to you, and that promise was to try to
3 dig into this case and deliver you facts and information that
4 you wouldn't normally get through the Government and I asked
5 you in return to be attentive and to be objective and I thought
6 that if we worked together it would help you reach a verdict, a
7 verdict that was fair based on objective and impartial,
8 unbiased consideration. Even though I didn't have the burden,
9 I told you I was going to take on that burden.

10 I think from watching you, from being here with you, that
11 you have been attentive. This has been a very difficult task
12 because of the nature of the evidence, and when I say "nature
13 of the evidence," I mean, as brother counsel pointed out, the
14 lies, the inconsistencies, the sort of witnesses that we're
15 dealing with here.

16 So I want to further assist you in ferreting out this
17 evidence, and in doing that, I'm not going to go over a lot of
18 things that brother counsel has gone over. He's done a fine
19 job pointing out those things, but what I want to do -- and I
20 told you when we first met, I told you I thought you had a very
21 difficult task, and that difficult task, it seems to be
22 extremely difficult in this case because of the nature of the
23 evidence, and the nature of the evidence are lies and
24 inconsistencies based on testimony coming from liars, cheats,
25 murderers, thieves, professional impersonators, and that's very

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1 difficult.

2 And the instructions the judge may give you will talk
3 about the nature of the evidence, but what I want to do is I
4 want to get into the nuts and bolts of the instructions because
5 that's where you are going to have to go. And I'm not going to
6 go through all of the testimony of these liars. I'm going to
7 take out that testimony that I think you can pigeon-hole into
8 these instructions so that when you get back in the back you
9 will understand these instructions and how to apply the --
10 adjudicate the facts, the facts that this case turns on. So
11 I've got a little bit more work to do with you so just bear
12 with me.

13 I'm going to talk about some of the instructions that the
14 Court may give that I think are very important for you to
15 consider and that I want you to consider strongly in my case,
16 and that is -- and I'm going to try to move as quickly as I can
17 because I'm on a time schedule here.

18 There may be an instruction that talks about proof beyond
19 a reasonable doubt, and what I want you to know is that the big
20 thing that I'm relying on in this, in this instruction is that
21 you have to look at the possible doubts and doubts based purely
22 on speculation are not reasonable doubts. So you've got to
23 look at that testimony real close.

24 I'm real big in this case on the lack of evidence, and the
25 lack of evidence I think is so important in this case because a

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1 lack of evidence you can attach a reasonable doubt to. So
2 you've got to look at the evidence, and if there's a lack of
3 evidence in respect to where is the gun, a lack of evidence
4 into a number of factors, you can attach reasonable doubt.

5 You have to look at all the evidence. If it has more than
6 one reasonable explanation, and I'm going to give you some
7 examples, if there's more than one reasonable explanation,
8 there may be a reasonable doubt. If there's two or
9 three reasonable explanations, there may be a reasonable doubt,
10 and that's why I think the lack of evidence is so important.

11 It's also important when you talking about circumstantial
12 evidence, you know, and that circumstantial evidence gets into
13 the links in the chain, you know, does the links connect. The
14 Government has a theory. I want you to look at that theory. I
15 want you to look at if there's -- follow that theory. Follow
16 my theory. My theory is going to talk about the evolution of
17 the lie, where the lie started, where the lie ends. There can
18 be more than one reasonable explanation to this case, to their
19 theory, and if I give you one, then we may -- you can say
20 there's a reasonable doubt. So that's very important.

21 The nature of the evidence. You clearly have to look at
22 the fact that this evidence comes in through liars, cheaters,
23 con artists. You've got to look at that because that's the
24 nature of this case. So credibility is going to be very
25 important on your part, looking at whether the evidence is

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1 credible.

2 Judge the testimony of the snitches, okay? They are the
3 government witnesses, but I need you to, as the instructions
4 will tell you, use your common sense. I just need you to use
5 your common sense, common sense when you're talking about what
6 Watson did when he was standing next to someone while an
7 agreement was being made, were there words spoken, were there
8 acts, were there gestures. Remember, I told you in the
9 beginning that you have to connect -- if you commit a crime,
10 you have to connect the actus reus with the mens rea. You
11 can't have a crime unless you connect the mental state with
12 some sort of act.

13 So if you're looking at what Watson may have said, did he
14 say anything? I'm big on that. I'm talking about were there
15 words spoken, not what somebody else said, and is there
16 corroborating facts, okay?

17 So that instruction, I think, is very important, and when
18 you're talking about reasonable doubt, it will explain to you
19 what it means, and I always like to say, and recall I said,
20 demand the quality of evidence that you would want your loved
21 one to be, if they were on trial, and I think that's big.

22 In this case the Government had the burden of proof.
23 There's been hours of interrogation with Brown, Bailey,
24 Paymond, the interrogating detectives. There were audio
25 recordings of statements by my client. They didn't produce

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1 that. The Government didn't produce that so you won't see
2 that. You won't see all of the evidence in this case so I have
3 to ferret through what you do have, but you can look at -- I'm
4 here to try to get to the truth. Sometimes the Government
5 doesn't give you all the evidence, okay? And you can look at
6 that, but the only thing you can judge is the evidence before
7 you.

8 I want to go to another instruction that talks about the
9 circumstances, and I talked to you about that, the chains in
10 the link -- the links in the chains, I'm sorry.

11 Now, another instruction is very important here, and
12 that's the state of mind, the intent, okay? That's very
13 important because they want you to believe that -- they want
14 you to read Watson's mind in this case when Watson is with
15 Brown, when Watson is in the car, when Watson is at Zeidman's.
16 Watson doesn't say anything. There's nothing to say that
17 Watson said anything so they want you to read their minds.
18 Well, this instruction talks about that. No one can read
19 another person's mind and tell what that person is thinking,
20 but a defendant's state of mind can be proven indirectly from
21 the surrounding circumstances. So when you're looking at the
22 Zeidman's and you're looking at him being in the car with
23 Brown, you've got to look at are there any other corroborating
24 facts besides what Brown says was in Watson's mind?

25 Let's take, for instance, the Zeidman's meeting. Remember

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1 the evolution of a lie? And I'm going to get to that, but the
2 lie evolves to a point where we get to a meeting at Zeidman's.
3 And the facts that you've got to remember and look at closely,
4 I believe, is Brown and Bailey infer, they try to infer that
5 Watson was present. We don't know, but they say Watson was
6 present, and Brown was offered a car, a condo and money.

7 The conclusion was that, of Bailey and Brown at some point
8 was Watson stood there so Watson heard and agreed. The
9 inference was he stood there and Watson heard and agreed, but
10 there's no way to infer what was in Watson's mind from his just
11 being present at an alleged meeting. We don't have Watson's
12 words, acts or gestures to weigh what was in his mind. Nothing
13 independent to show he agreed or acknowledged and agreed. No
14 actus reus, no mens rea, no act that we can infer his mental
15 state.

16 Mental state. Words of intent are very important, and
17 when you look through this case, for instance, Brown, when you
18 look at Brown, there's evidence. You can look. Brown says the
19 only thing that's on the mind is to kill Devin Wallace and get
20 a car and get a condo. That's corroboration. That gives you
21 an opportunity to weigh what's in Brown's mind. You see -- and
22 that's very important. That's instruction 13 when you start
23 talking about intent.

24 Brown testified he and Watson rode together. Well, what
25 happened then? What did they talk about? Does he ever talk

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1 about what they talked about? Nobody really testifies to what
2 Watson ever really said in this case. Nobody. There's no
3 words or acts that anybody can assert that Watson made. No one
4 has given us Watson's actual words.

5 Another part of -- I think is very important and I told
6 you when I first started out in this case, I think I mentioned
7 that I didn't think demeanor was going to be that important in
8 this case because we had professional liars. We had con
9 artists. We had impersonators that could take that stand
10 without sweating, could take that stand with a stern face and
11 testify, but it didn't turn out to be that way and instruction
12 number 7 that the judge may give, it talks about looking at the
13 demeanor of the witness, and the demeanor evidence -- demeanor
14 evidence is evidence.

15 And you can look at that demeanor. Look at Brown. Look
16 how Brown sat. Look how Brown got vague. Look how when I
17 asked Brown about you said there were six, there were five and
18 you, and I asked him and he wouldn't answer. He became silent.
19 Well, his silence spoke. Six people in that -- involved,
20 possibly four people in the car.

21 Look at Paymond. Paymond's demeanor was fairly good after
22 he decided that he was going to tell the truth. I had to turn
23 him around a little bit. My cross-examination sometimes were
24 objected to, but they weren't to try to put my words in his
25 mouth but to create a relationship. Let's look at what Paymond

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1 said. Let's look at what Paymond gave us.

2 Paymond was one of the Government's better witnesses. His
3 demeanor was fairly good after I got him to tell the truth. He
4 first gives us nothing. He denies really knowing Watson. He
5 knows Steph and BJ. He tells us BJ and Steph are together on
6 9/11. He tells us that Steph and BJ leave around 4:00 p.m.
7 That's what the detectives really were trying to pound him in,
8 to get into their theory that timeline. He tells us that Steph
9 and BJ leave around 4:00 p.m. and return afterwards. He
10 clearly supports the Government's theory at first.

11 However, on cross-examination I open him up. I stress the
12 importance of the truth. He begins to agree with me and
13 appears to start telling the truth. His demeanor is good, his
14 eye contact. He recalls good. He's not vague. He answers the
15 questions. And what facts did we learn? We learned he watched
16 the video. We learned he saw the commission of the crime. We
17 learned he originally slanted the truth because he feared being
18 charged with new crimes. That was real.

19 But he revealed -- he also revealed he deals with stolen
20 goods and auto parts, which he didn't want to do that at first.
21 He didn't want to do that too much with the interrogations of
22 the officers because he didn't want to get charged with any new
23 crimes.

24 But he also gave us some of the culture that you can rely
25 on. He tells us -- he agreed that he knows Watson steals cars

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1 and deals in stolen parts. He's an in-between man on deals.
2 That's his hustle. Brown and Watson hang together a lot. It's
3 important because Brown tries to play down -- Brown, if you
4 recall, tries to play down his relationship with Watson
5 initially.

6 We learned that the DPD maintained that Steph fired the
7 shots from the car. DPD is telling Paymond that's their
8 theory. He told us he agreed with the police that Steph had on
9 black as he wore on 9/11 while at his house the day before. He
10 gives us a limited ID.

11 He tells us four people are in the car. He gave their
12 description, 6'1", 6'2," the men got in the car. Detective Eby
13 never told you that they believed Watson was the shooter.

14 He tells us he never saw Watson carrying a gun. So we get
15 a lot from Paymond. Paymond also tells us DPD told him how
16 they believe Brown and Chambers were involved in the murder.
17 This begins to start that lie, that lie to evolve. He tells us
18 that the FBI was trying to get him to accept their scenario of
19 the shooting.

20 DPD told him they had cell phone results from Brown being
21 at his house, that he could not identify the guy in the video
22 who done the shooting. He didn't -- he was real. He said he
23 couldn't identify him, but he could identify the clothing.

24 After constant presentation of the agents and the police,
25 he agreed it could be Brown, and that's how these facts evolve.

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1 He never seen Watson carrying a gun. He never knew Watson to
2 do hits or shoot people, and nobody ever came back and told him
3 Watson was the shooter.

4 So, you see, that even with Paymond the Government is
5 beginning to push their theory. They want to disregard the
6 other two men in the car. There's no real investigation going
7 on with respect to suspect Brown, but Brown becomes one of the
8 main suspects of DPD.

9 See, DPD, if you remember, with Detective Mitchell, DPD
10 did a solid investigation. DPD had a video. DPD got the phone
11 records. DPD watched the video. Mitchell was straightforward.
12 Mitchell talked about his crew. They finally got Brown as a
13 suspect. They used him to insert his information in the
14 affidavits, to get cell phone records, and Brown became a
15 suspect.

16 But Brown wasn't arrested at that point. Brown was out
17 there with Chambers and had an opportunity to talk about the
18 case, look at the case, and finally Brown was named as the
19 suspect.

20 Well, what happened later is that the feds came in, and at
21 some point the feds decided they were going to arrest and bring
22 an indictment, and it was at that point that Brown decided that
23 he could be a shooter. That's how the lie begins to evolve.

24 Let's go back to the instructions and talk about
25 Count One. Count One of the indictment charges the defendants

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1 with the use of certain interstate facilities in the commission
2 of a murder for hire. The judge may give an instruction that
3 you are going to have to look at these elements, and I would
4 like to point you to element C, the third, and the reason I
5 want to go there is because it talks about as consideration for
6 receipt of a promise or agreement to pay anything of pecuniary
7 value. Also, in Count One it talks about the use of certain
8 interstate facilities in the commission for hire.

9 Well, the Court may instruct you that you must prove each
10 and every element beyond a reasonable doubt, and if you look
11 at -- I'm going to ask you to look at A when you get back
12 there. A is going to become important. Did Watson use the
13 phone? And you are going to have to prove that Watson used the
14 phone beyond a reasonable doubt to in some way further this
15 theory of murder for hire.

16 Let's refer to the most credible evidence to some extent
17 that the Government has. It was the phone records that first
18 led to the discovery of Brown as the shooter. We heard from
19 the experts. We heard from their opinions. We have heard
20 their analysis. We have talked about the cell towers, then
21 finally we were hit with the Government's toll records
22 analysis.

23 And what we know, and I'm going to go straight to the
24 jugular on this, the Government only decided to use Belcher's
25 phone records that led to other phone call and records to

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1 support their theory, and it's based upon their circumstantial
2 evidence that they want you to find beyond a reasonable doubt
3 my client used a telephone to commit this murder.

4 So I'm going to refer you to Government's Exhibit 16A, and
5 when you get back in the back, you will be able to review this
6 exhibit, and as you will see, I'm going to point you to
7 Andre Watson at 978-3909. That shows one incoming call and one
8 outgoing call. Now, this is on September 11th at the scene of
9 the crime between 4:38 p.m. to 5:15 p.m., and in those records
10 it will show you a timeline on these calls. And when you look
11 at these facts, you will see that Watson's phone did not get
12 busy until -- remember what Brown said. Brown said -- and
13 again, that message is the link in the chain of the
14 Government's theory because up until -- these phone records
15 they rely heavily on. The phone records are probably some of
16 the most credible evidence the Government has, and that's what
17 they base their theory on.

18 As you know, there weren't requests made to get phone
19 records for a lot of other times that might have been relevant.
20 However, dealing with this, we have got Andre Watson. Well,
21 this was fine until their witness gets on the stand and says,
22 oh, I used Andre Watson's phone at that time. If you recall,
23 at 4:51 Watson's phone called Belcher. It will show that, but
24 Brown says he gave the phone to Watson. Brown says, I plugged
25 my phone in to charge it, and I used Watson's phone and I

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1 called Belcher.

2 Now, as brother counsel said, we don't know what the
3 nature of those calls are. We know that there's another
4 exhibit of Mr. -- I think it's my exhibit, Watson's Exhibit
5 Number 1, that talks about other phones that were used with
6 Belcher's number. Well, we know that Watson had a relationship
7 with Belcher. We know that Watson had called Belcher on other
8 occasions. So -- but Watson wasn't calling everybody around
9 the time of the incident. Brown was. Brown was, and I'm going
10 to point that out to you. Brown was making the calls to
11 everybody, and the phone records are going to show that.

12 What was Watson's purpose in calling Brown? If Watson in
13 fact did call -- I mean, call Belcher -- what was it for? It
14 could have been for anything. The first call Andre Watson
15 is -- it's an incoming call, and then Belcher has an outgoing
16 call. In looking at these records, there is really no pattern
17 in the calls to suggest Watson was planning or participating in
18 a plan to execute Wallace at the time he was shot.

19 Belcher, by this, calls back, but that could be for any
20 reason. That could be because a call came in to him. He
21 talked to Brown, and he returned that call. That doesn't
22 necessarily mean that that's the only explanation for that call
23 and that that call was related to the homicide. It's also
24 reasonable to conclude that Belcher called back because he had
25 just talked to Brown on the phone. So when you look at that

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1 instruction, weigh that evidence heavily, on whether or not he
2 used the phone to in fact facilitate the homicide.

3 When you look further into that instruction, it's
4 important to look at, as I said, C and 7 on Page 18. 7 talks
5 about:

6 The Government must prove a quid pro quo between the
7 person who solicits the murder and the person who would commit
8 the murder. In other words, it requires a mutual understanding
9 that something of value will be exchanged for committing a
10 murder. You may find the defendant guilty regardless of
11 whether the payment occurred or was to occur in the future.

12 B, and I'm going to tie it together, B says that:

13 The defendant did so with the intent that a murder be
14 committed under violation of a Michigan law.

15 So we really don't have any evidence of Watson's intent.
16 What we do know is intent must be shown by words and actions.
17 So if you look at what Brown did, Brown testified that Chambers
18 covered up the plate. Brown said he got out, looked at the
19 plate, and made sure it was covered. Brown went into -- Brown
20 went in and bought the gloves. Brown claims he fired his gun
21 at Wallace and he intended to kill Wallace. Brown testified
22 that Mr. Chambers pulled off when the bus moved. Brown used
23 Watson's phone just before the murder. Brown agreed to accept
24 money, condo and car to kill Wallace. Brown said his purpose
25 was to kill Wallace. Brown asked Bailey for locations of

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1 Wallace. Brown was in communication with Bailey on an unknown
2 phone.

3 There's no testimony to corroborate independently of the
4 lies of Brown or the other con artists or the thieves or the
5 other professional liars that Watson was involved at that time.
6 We don't have any acts that we can attribute to Mr. Watson
7 other than their lies that he shot and things of that sort.

8 The quid pro quo? That brings us to looking at what
9 really happened at Zeidman's. Brown tells us a lot about
10 Zeidman's on cross-examination. Mr. Brown agreed he never saw
11 Watson get any of the money or property offered at Zeidman's.
12 Brown agreed he never heard Watson accept \$2,000 for the
13 killing of Wallace. Brown agreed he never heard Watson accept
14 15,000 for the Wallace killing. Brown agreed he never heard
15 Watson agree to kill anybody for any amount of money at that
16 time. Brown agreed he never heard Watson tell Bailey that
17 Watson would get involved and kill Wallace because Wallace was
18 getting in the way of Byrd or Gino's drug business.

19 That's important. That's going to be important when it
20 comes to looking at the conspiracy count and the
21 drug-trafficking count. Brown agreed he didn't know of
22 Watson's contacting Belcher after the beating.

23 What did Bailey testify to about the Zeidman's killing?
24 And this goes to quid pro quo and things of that sort. Bailey
25 testified Brown walked up to the car window. Brown talked to

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1 Belcher, as brother counsel said. That was supposed to be
2 about marijuana, but what would Watson know? Watson was in his
3 car with a girl, but Brown, Brown didn't want to really testify
4 to that. He was untruthful. We had other evidence that came
5 in that said Brown was with a girl -- I mean, Watson was with a
6 girl.

7 Brown is discussing marijuana with Belcher. Bailey agreed
8 Watson never got out of the car and approached him at
9 Zeidman's. These are acts that never happened. There's
10 nothing to infer from Watson's conduct at that time other than
11 the fact that he was present.

12 Bailey agreed that Watson didn't get out of the car and
13 talk to him about killing Wallace. Watson didn't get out of
14 the car, and Bailey never offered him 15,000 to kill Wallace.
15 Bailey agreed he did not promise Mr. Watson payment of any sort
16 for killing Mr. Wallace. Bailey said we never discussed it
17 ever.

18 These are words. These are the kind of corroborating
19 facts that you can use that are independent of what somebody is
20 trying to get you to infer.

21 Remember, the claim is Bailey also wanted Wallace killed,
22 but Bailey makes it unequivocally clear there was no
23 discussions in the presence -- in his presence with Watson to
24 kill.

25 Brown attempts to inject Watson's mental state and intent

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1 by asserting Watson agreed with him to kill. That's what Brown
2 does throughout the case. Brown begins to put Watson with him
3 because around March 8th when the indictment came down Brown
4 learned that he was facing death. Brown learned that he could
5 no longer be the shooter. Brown knew that he had to make
6 someone else the shooter.

7 There's no evidence Watson agreed with any solicitors.
8 Who was soliciting? They maintain it was Belcher and Bailey.
9 There's nothing to suggest that Watson ever spoke with
10 Mr. Belcher throughout this case about killing anyone.

11 There's no evidence independent of what Brown, BJ and
12 Bailey are saying Watson did. All we have is the testimony of
13 the liars, the cheaters and so on.

14 Brown tells Chambers at the detention center that he wants
15 to get his money, 15,000, a car and a condo. He wants his
16 money for the deal that he made for the killing that he, he had
17 done. Brown tells Chambers Watson was offered the same thing.
18 Here again, we have got Brown telling Chambers that Watson was
19 offered the same thing, but we have those facts before us.

20 You have to use your common sense in these instances.
21 Have you ever stood next to someone? One person is making a
22 representation, you are standing there, and you are like I'm
23 not agreeing with what he's saying. I'm not with that. That's
24 the kind of common sense that we have to look at here.

25 Brown told Chambers I hope my cousin don't play me because

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1 if he do I'm going to kill him too. This is when he's talking
2 about getting his payment. But you don't have any, any words
3 or acts that you could infer that type of intent with Watson.

4 Brown and Bailey even agree that Brown was offered a car,
5 money and condo to kill Wallace. This is all in the evidence.
6 This is what's before you. This is what you take back and
7 apply to these instructions.

8 There's no facts that Watson tried to reach a mutual
9 understanding about what he would do or what he would receive
10 for killing Wallace. Where do we get those facts? Where do we
11 get the facts that Watson said anything out there?

12 When Brown said he went to the Family Dollar, Brown said I
13 went in and purchased gloves. That's different than a lot of
14 evidence we heard on the Family Dollar. We know Brown said
15 earlier in other statements he didn't even go to a Family
16 Dollar.

17 And Brown says he bought gloves, not any other items.
18 Brown then says -- he changes. He says, well, that was
19 something else.

20 Watson never spoke any words while allegedly standing near
21 Bailey, Brown or Belcher while in discussion of any plan. The
22 only facts we have that Watson received anything are based on
23 Brown and Bailey's statements. Brown pled. He was made an
24 offer. He pled it in his plea agreement, though at first he
25 tried to deny it.

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1 He pled. He was made an offer. Not him and Watson.

2 Watson stood near. Those are the facts.

3 Brown and Chambers testified that Brown went looking for
4 Belcher and Bailey for payment. Brown told us he was armed
5 with a chopper, an AK, and in the car with Chambers. Brown and
6 Chambers again.

7 Brown says when he pulls up, "Damn, man, shit, what's up
8 with that money?" Those are words spoken. You can take those
9 to the bank. Those are real facts.

10 "I told Chambers to pull in front of Belcher's car."
11 Those are the kind of facts you plug in.

12 Brown gave Chambers the chopper. And I asked him, "You
13 were trying to put somebody in fear?" He didn't, didn't say he
14 had the .40 caliber that he allegedly had. He's got a chopper.

15 Brown tells Chambers in the detention center -- see, these
16 go to number 7, pecuniary, what were you getting? Receipt,
17 payment.

18 Brown tells Chambers in the detention center that he's
19 going to give him a couple of dollars. We further learn Brown
20 called Bailey. Bailey said, "I've got 1600 for you." Brown
21 tells Bailey he has a tether. That's what Brown tells us, he's
22 on a tether. Brown says he sent Watson. What do we have to
23 support that? What do we have to corroborate that fact other
24 than a liar? You saw his demeanor. He lied when he wanted to.

25 So then Brown says he sent Watson. Did Watson go? Do we

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1 have any evidence that Watson ever went to the casino? Do we
2 have any videos? Is there any other corroborating facts that
3 that occurred?

4 And if Watson did go, do we know that Watson even knew
5 what he was receiving money for? It's just we don't have
6 anything there but Brown's words.

7 Bailey says he gave Watson \$2,000. So these lies are
8 inconsistent, and my argument is they are made to just tie
9 Watson into the conspiracy to kill and to establish he received
10 proceeds for his part in the killing.

11 Bailey says when he saw Watson at the casino we did not
12 talk. He just handed Watson the money, and he left. Bailey
13 paid that money to Watson allegedly because he wanted to get
14 Brown paid something, he says, because Brown was looking for
15 his money.

16 When you go down and you look at the rest of Count One of
17 the indictment, you will be able to consider the intent that we
18 talked about.

19 And, as you go into Count Two of the indictment, Count Two
20 is talking about conspiracy to distribute controlled
21 substances. I think that this is going to be a little bit more
22 easier for you to deal with at the beginning, but it gets
23 complicated at the end, and we believe that there's no, no
24 criminal partnership whatsoever with Belcher and Bailey in the
25 drug conspiracy, and you will be able to look at that and I'm

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1 going to move quickly through that.

2 There's no testimony that Mr. Watson distributed or sold
3 cocaine, Oxycontin or any other drugs, and you can go down and
4 look at whether or not there was an agreement with anyone. Of
5 course there's no evidence of that, no evidence he ever joined
6 a conspiracy.

7 And the instructions that the judge may give you can plug
8 in the facts, as we have been doing. Bailey testified that
9 Watson never accompanied him or Belcher on any runs or anything
10 of that sort. You've got to look at who did he conspire with,
11 and I think these instructions, you know, you have to look at
12 the facts. There's nothing to suggest that he was ever present
13 packaging, delivering, anything that shows that he acted in
14 furtherance of the conspiracy. More importantly, there's no
15 facts that he was present and associated with Belcher, that he
16 agreed to work for Belcher or sell drugs for Belcher.

17 And there's another issue that the Government is going to
18 really attempt to ride on, and that is enforcer. And the
19 enforcer first came up based on my cross-examination, and I
20 cross-examined because I had no fear there. I wanted you to
21 know how the lie had evolved. See, the enforcer came in later,
22 recent. That's one of the most recent fabrications. That's
23 how far the lie evolved.

24 So now we had enforcer, and you've got to look at that
25 evidence. You've got to look at Brown trying to, to hint that,

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1 that he saw Watson standing on the porch on Beniteau. Well, if
2 you look at these instructions, and one of the main
3 instructions is going to be in one, two, three, part four of
4 that instruction.

5 One more point about the agreement. The indictment
6 accuses the defendants of conspiring to commit several drug
7 crimes. The Government must prove an agreement to commit at
8 least one of them.

9 And then if you look at 4 of Part C: But proof that a
10 defendant simply knew about a conspiracy or was present at
11 times or associated with members of the group is not enough.

12 You see, Brown tries to say at one point he saw Watson
13 standing on a porch with a gun hanging off of him. The
14 testimony was so bad. Hanging off from where? I mean, hanging
15 off from where? You've got to look at that. I mean, it speaks
16 for itself.

17 It's not enough to put him there. He's trying to, what,
18 make him an enforcer? Look, use your common sense. We know
19 what enforcers do. Enforcers don't go around killing the
20 people that owe the debt. They go around threatening. They go
21 around collecting. They go around trying to get payment for
22 the debt. There's no evidence. There's not one incident.

23 Aday didn't know him. Mr. Belcher's woman didn't know
24 him. Nobody's seen him. No evidence that he approached
25 anybody to collect a debt. No evidence that he worked with

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1 anybody, Brown, as an enforcer.

2 So look and see closely what the Government attempts to do
3 in this case. They can't give you anything else that ties him
4 to a drug conspiracy, and the fact that he was at somebody's
5 house, the fact that he was seen, the fact that he even knew
6 Belcher sold drugs, the fact that he knew Belcher sold drugs
7 and other things is not enough to make him a part of the
8 conspiracy.

9 Read that closely. It's big on association. Even if he
10 approved of what was happening, that's not enough. Even if he
11 had done something that he didn't even know that he helped,
12 it's not enough.

13 You've got to look at the drug-trafficking count with this
14 conspiracy to sell drugs because that's where they are
15 trying -- you are not going to find any evidence of the drug
16 conspiracy, but what happens is they are trying to connect it
17 to the drug trafficking, the use of a firearm, the homicide.
18 That's what they are trying to do, and there's no testimony
19 Watson knew the murder was going to happen. They want to place
20 him in the car. All we have is the conflicting evidence, no
21 independent corroborating facts to support any circumstances.

22 And, again, you are going to have to look at the intent.
23 Brown says me and Chambers pulled off after the bus pulled off.
24 Look at those facts. I talked to you about what Brown and
25 Chambers did, and look at how the lie evolved. Just 30 days

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1 before this trial we get a new statement from the Government
2 and the agents that says Brown and Chambers took the vehicle
3 13 days after the killing, washed it down with bleach to hide
4 the evidence, and they found a slug, a shell casing in the car.

5 How convenient. How self-serving. I'll bet you it was a
6 .40 caliber, right? That shows the evolution of the lie. That
7 shows you how still -- their incentive to lie to try to better
8 their deal.

9 Remember, they violated -- that shows -- these recent lies
10 show that they violated every agreement that they ever entered
11 into. The *Kastigar* agreement, I questioned him on that.
12 *Kastigar* says tell everything. The plea agreements. The
13 cooperation agreements. They are liars, they are cheaters, and
14 they violated every, every promise that they made to the
15 Government, and the Government --

16 **THE COURT:** Mr. Johnson, you have five minutes.

17 **MR. JOHNSON:** That quick?

18 **THE COURT:** Five minutes.

19 **MR. JOHNSON:** Oh, Lord. Okay. Judge, I'm going to
20 need more time.

21 All right. Ladies and gentlemen, look at the indictment.
22 I believe the indictment is part of the evolution of the lie.
23 They couldn't make this case, they couldn't make this case so
24 they brought a superseding indictment. Look at that closely.
25 Look at that closely.

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1 And what I want to say to you is that when you go back and
2 decide this case, look at the facts. I need you to carry the
3 ball in this case. Don't be intimidated by anybody else, their
4 education, their status or anything of that sort, but I need
5 each and every one of you all to hold the line. If you believe
6 after you hear this evidence, if you believe that there's not
7 sufficient evidence, then I need you to hold the line.

8 That means, when you get back there and you talk about
9 this case and you deliberate and you objective and you go over
10 it, if you believe in your mind as an individual that my client
11 is not guilty, I need you to hold the line. If you have to
12 come back out and be instructed by that judge again, if you,
13 you go back, you discuss this case again with an open mind, but
14 if you believe that the Government has not proved each and
15 every element on each one of these counts beyond a reasonable
16 doubt, then I need you, each and every one of you all, to hold
17 the line.

18 My client deserves to go home. I believe that if you look
19 at the evidence squarely that you can enter a verdict of not
20 guilty. I believe that the evidence will show that the
21 government has not met its burden.

22 Thank you. I'm out of time.

23 **THE COURT:** Thank you, sir.

24 Mr. Cralle.

25 (12:37 p.m.)

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1 **MR. HAUGABOOK:** Ladies and gentlemen, the Government
2 agrees. You should not convict unless you find them guilty
3 beyond a reasonable doubt, but in this case there is no doubt.

4 I want to start first with Mr. Shea, and one of the things
5 that he said, brother counsel, Mr. Shea, he said during that
6 week there were no phone calls. Well, I want to call your
7 attention to Exhibit 16.2. It should be on the screen here.

8 And if you look at Exhibit 16.2, it shows that during that
9 week there were phone calls between Belcher and all of the
10 people involved. Between the week of the murder he said that
11 there was no calls there. There were calls in that week. It's
12 right there, Exhibit 16.2.

13 You know, it's really interesting that the first thing
14 they want to say is that these guys were liars, they were
15 cheaters, they were this. But think about it. Wasn't that the
16 thing that made them so vital to this whole situation, right?

17 Because, with regards to Mr. Brown, when his cousin is
18 sitting there with DPD, the first thing he throws out, he
19 throws him under the bus. Don't hang with him, he a thief,
20 steals ATMs and what not, all right? But he was still the
21 person that he called and talked to and had that conversation
22 at the Zeidman's about committing this murder.

23 If you want to do this, you want to have it in house, you
24 want to have somebody close to you. You don't go to the door
25 of a seminary and say, hey, can I get a student out here, I

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1 need to use you, I want you to go take this hit for me on
2 somebody who is messing with my money, all right?

3 You want somebody who has been involved, who has a
4 criminal record, who has a criminal past, who is susceptible to
5 doing this, and especially if it's your cousin because you feel
6 like with your cousin, they are in-house, they are somebody you
7 can trust.

8 And what do we know? Out there on the scene, who was out
9 there that was related to him? His cousin Bailey and then his
10 cousin Brown, who pulls up with Chambers and Watson in the
11 backseat. All right? Those are connections to him.

12 So you can't say -- you can't have it both ways. You
13 can't say, oh, they have felony records and what not. That's
14 what made them vital. You want to say Bailey is a fraudster.
15 That's what made him vital in the car fraud scheme because he
16 knew how to hook that up. That's why you needed him in the car
17 fraud scheme.

18 You heard him in the video with Detective Mitchell talk
19 about Cuz being able to hook your credit up, fix your credit up
20 stuff. Oh, but now you want to come in and say they are no
21 good, they have felonies, they are this. Well, that's why you
22 needed them from the get-go. You weren't complaining then,
23 right?

24 At the meeting at Zeidman's, you're not complaining then:
25 You know, Cuz, I can't use you, you've got a felony. You know,

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1 Bailey, I can't go for this because, you know, you in that
2 fraud stuff. It doesn't make sense.

3 Yeah, I agree with brother counsel. When you go back
4 there, you don't check your reason and common sense at the
5 door. You take that same reason and common sense that you were
6 born with, that you walked in this courtroom three weeks ago
7 with, and you use that in making your decision in this case.

8 You know, they want to talk about witnesses saying things
9 at different times and things of that nature, and I believe
10 this Court is going to give you an instruction that sometimes a
11 witness will see and hear things differently, and that doesn't
12 mean that they are lying or mistaken.

13 For example, I just threw up some coins and they landed.
14 Some of you will say, Mr. Haugabook threw up some quarters and
15 they landed on the floor. Some of you will say Mr. Haugabook
16 threw up some quarters and some pennies and dimes, and they
17 landed on the floor. Some of you will simply say Mr. Haugabook
18 threw up some change and it landed on the floor. But, is there
19 any doubt that each of you are right? Sometimes witnesses will
20 see and hear things differently, but that doesn't mean that
21 they are incorrect.

22 The next thing, when you're going out and you're
23 committing this murder -- I don't know if you have ever seen
24 Jimmy Kimmell, but sometimes he does this little skit "Dear
25 Diary," all right? That's the last thing you're trying to do

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1 when you go out and commit a murder. I'm going to write down
2 that on this day I talked to this person at this time and what
3 not. It just doesn't work like that.

4 What we had here was the simple fact that everything was
5 able to be discovered because they made a mistake. The mistake
6 was they committed this murder on video, and the mistake was
7 they carried these with them because everybody in this day and
8 age knows that when you walk around with your cell phone, as
9 I'm holding up my cell phone, your cell phone can tell on you.
10 Your cell phone can tell where you are, where you have been,
11 who you have been calling, what location you are in. That's
12 how this was put together.

13 A tip led them to Brown. They started working up Brown's
14 cell phone evidence. They immediately brought Mr. Belcher back
15 in, and they started reinterviewing him.

16 And what did he do? He started lying. Don't know Brown,
17 don't talk to him, don't deal with him, you know, and one of
18 the things they want to say is that, well, you know, Mr. Shea
19 said, well, you know, the fact that this was a block from his
20 house and, you know, he had his child, are these things
21 consistent with a murderer?

22 Well, when you're sitting down with homicide and you are
23 being asked about why are you having contact with somebody that
24 we believe is involved in a homicide and you start lying, is
25 that consistent with somebody who isn't involved or is that

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1 more consistent with somebody who is? And that's what we have
2 here, somebody who was lying because they were involved with
3 the person and in the scheme. That's what we have here.

4 So he was being investigated by homicide, Mr. Belcher, and
5 he's being questioned about being in contact, and the first
6 thing he does is he starts telling different lies and stories.
7 He says that the sole reason was because, and I submit to you,
8 the sole reason was because it would unearth the entire
9 murder-for-hire scheme. So that's why he doesn't know Brown.
10 He wants to attribute that number to Block. He wants to say
11 that he doesn't hang with his cousin. He wants to say that his
12 cousin is still in jail. Those were all of the reasons that
13 he's trying to do that because he's trying to distance himself
14 and hope that nobody uncovers his connection and unravels the
15 entire murder-for-hire scheme.

16 I heard brother counsel say there's lots of reasons to
17 talk to each other and lots of it was illegal, brother counsel,
18 Mr. Shea. Yes, I agree with him, and the main illegal reason
19 was that murder for hire, that murder for hire to kill Wallace.

20 He wants to talk about that jail call where Ms. Banks
21 calls in, and he talks about there's a portion, oh, we know you
22 didn't do that or what have you. She and Belcher were playing
23 a role. As you know, Mr. Belcher is good at playing a role
24 because he showed up at the scene at the end of the murder and
25 immediately started playing the role of, you know, this was due

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1 to snitching and all of this kind of stuff. He and Bailey, all
2 right, they played a role there.

3 But the problem is, what happened is these guys made a
4 mistake: They had their cell phones with them. Their cell
5 phones corroborates their information. It corroborates
6 Chambers, it corroborates Brown, and it corroborates them when
7 they say that Watson was there.

8 And what do we know? Bailey said that Belcher told him
9 afterwards that it was indeed Watson. So it corroborates
10 Belcher as well for telling that to Bailey, and we know that
11 Mr. Belcher was there because he's on the video.

12 Now, brother counsel wants to -- all of this stuff
13 about -- brother counsel for Mr. Belcher put in exhibits of
14 lots of contacts with Brown, but, okay, well and good, but when
15 it came -- push came to shove and you're sitting down with
16 Detective Mitchell, his client wasn't putting in contacts
17 with Brown. That's the last person he was having contacts
18 with. The last person he knew, the last person he was having
19 contact with was Brown, didn't even know his last name, his
20 cousin, Facebook friend, don't know his last name. But that's
21 what happens when you prevaricate, obfuscate and deviate from
22 the truth, as Mr. Belcher did.

23 What do we know? Mr. Belcher couldn't keep his lies
24 straight because the video evidence belies that. He exited the
25 Camaro while talking to Brown, two calls, 10 and 95 seconds.

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1 He wants to talk about an 80-second call with Bailey.
2 Bailey told you that was, and you all have heard this phrase,
3 that's a butt call because Bailey, standing there on the other
4 side of the car, you never once see Bailey put anything to his
5 ear. So that's a butt call. That's an open call.

6 What do we know? All five of these individuals lied in
7 the beginning. Yes, they did. But three of the five knew they
8 couldn't deviate from the facts that we have put before you
9 that shows their guilt, that also corroborates their testimony
10 here, and that's the cell phone evidence. They could not get
11 away from that, and three of the five have pled guilty to
12 murder for hire and agreed to testify before you and their deal
13 requires them to testify truthfully.

14 And you heard from Agent Riennerth. The reason why a lot
15 of things differ from statement to statement is because people
16 start remembering things later and more as it goes along. So
17 at every interview somebody will come along and remember.

18 Like, for example, when I threw those coins down, like I
19 said, if we go back to that, some of you will say what I said
20 you will say, that I just threw coins down, and some will be
21 more specific. But if you were asked and told ahead of time
22 I'm going to throw coins down, I need you to remember, maybe
23 everybody would do a better job of remembering.

24 But that's not how a murder works. You don't say we're
25 going to commit this murder but I need everybody to remember,

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1 you know, Step A, Step B, Step C, all the way to E, Z, F1, F2,
2 all of those things. That's not how it works. Use your reason
3 and common sense, ladies and gentlemen.

4 They want to talk about the Pantheon attempt on
5 August 25th. Well, I'll get to that in a moment.

6 So what do we know here? They want to talk about whose
7 phones are being called. The first thing we know is when those
8 shooters are in the area whose phones are they calling? They
9 are not calling Bailey's. They are calling Belcher's because
10 he's the money man. He's putting out the money for this. They
11 are calling Belcher's phone, and as I had 16.7 on the board, it
12 goes to show that. It goes to show that.

13 Mr. Belcher's lawyer, Mr. Shea, says that, you know, Brown
14 couldn't keep things right, but as I indicated -- couldn't keep
15 things straight, but as I indicated, just like with the coin
16 situation, everybody is going to remember things differently.
17 As a matter of fact, when he was even trying to tell you about
18 what Mr. Brown could or could not remember, he couldn't even
19 remember the day that Mr. Brown testified because the first
20 thing he said was days blend together, I can't remember when he
21 testified. So he wants to challenge other witnesses because
22 they can't remember or they remember things differently?

23 He wants to talk about the voice over the phone, whether
24 that was before going to Zeidman's or after going to Zeidman's.
25 It doesn't matter. It doesn't matter because what that is

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1 saying is that the meeting happened and the statement was made
2 and the statement was made in the presence of Belcher and
3 Watson was there.

4 Brother counsel for Watson wants to talk about the fact
5 that, you know, Watson never said these words of acceptance or
6 anything like that. Well, I believe this Court is going to
7 tell you that with regard to a particular person in this case
8 you can determine their intent by what they did, what they
9 said, how they said it, how they did it or any other facts or
10 circumstances that come into evidence.

11 When they are standing there with Brown and they are being
12 offered this opportunity for money, a condo and a car to go do
13 it, he goes out with Brown and he starts hunting. He goes out
14 with Brown on September 11th. His phone is there even though
15 he tells Agent Rienerth ain't been there, nope, ain't been
16 there, I don't even know Brown, I don't even know Chambers, I
17 don't even know a Byrd. All of those things were belied by the
18 contacts in his phone.

19 And what do we know? Bailey paid money that filtered to
20 Brown through Watson. So why is he picking up money? Why did
21 he take the \$10,000 that Brown said Bailey said he gave to
22 Belcher and that Brown never got? Because, as you know, that's
23 what ticked Brown off. Brown got tired of the runaround of not
24 getting his cut, and that's why he went hunting for them. So
25 whether he said the words of acceptance or not, what he did,

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1 those are critical for you to understand that he was part of
2 the deal, his actions, what he did, how he did it, when he did
3 it.

4 Brother counsel says the only person that says there was a
5 motive was Bailey. That's not true. Banks told you. Banks
6 told you that Belcher said he was greedy and had to go.

7 There's a phone call, there's a phone call from Bailey to
8 Brown that took place because Belcher was not answering about
9 Motor City. So when you look at that, look at that as part of
10 the reason of some of the calls between Bailey and Brown.

11 Bailey did ask other people to kill Wallace. Ms. Banks
12 told us that. She also told us that Bailey asked Belcher to do
13 it -- asked Belcher if he did it and Belcher confessed that he
14 had to go. Bailey was not the only one to reveal the motive.
15 Banks told you, and that was through the words of Belcher.

16 How interesting, ladies and gentlemen, that the lie given
17 by Bailey that Wallace was a snitch just happens to be the same
18 one that Belcher tells police at the scene.

19 Remember, Bailey had no deal when he spilled his guts to
20 Sean Jackson. Regardless of whether Bailey feels like he
21 should do time, as brother counsel is arguing, you have heard
22 that he will serve 25 years for his involvement in this crime.
23 Counsel suggested Brown and Belcher did not call one another,
24 but as I told you, that's been pointed out to be untrue.

25 With regard to, with regard to what brother counsel for

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1 Mr. Watson just argued, let me leave you with this. He says
2 that there was a lack of evidence, but, ladies and gentlemen,
3 the testimony is evidence, the Court is going to tell you that,
4 and the exhibits are evidence and the exhibits support the
5 testimony of the witnesses.

6 We don't need a gun. Wallace, was there any dispute that
7 Wallace died from a gunshot wound? Is there any dispute? I
8 don't think so. Circumstantial evidence is enough to convict
9 by itself, ladies and gentlemen, but this is not just a case
10 built on circumstantial evidence. Brown testified, Bailey
11 testified, Chambers testified. There's video of the shooting.
12 There's cell site analysis and exhibits that support the
13 testimony of these witnesses. This, ladies and gentlemen, is
14 direct evidence.

15 So, brother counsel for Mr. Watson said that, again, going
16 back to the no words or acts, we know that he agreed when he
17 shot Wallace, we know that he agreed when he tried and did
18 collect money, we know that he agreed when he went to Motor
19 City and picked up the money.

20 He wants to talk about Brown saying five people as opposed
21 to six, but Brown clarified that as a misstatement, and then he
22 counted off with me, if you remember, the five people. He said
23 it was Brown, himself, Chambers, Bailey, Watson and Belcher.

24 Chambers, you know, he wants to talk about payment and
25 what happened on that day, but remember, Chambers said that was

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1 a different day when they were there and Mr. Brown had on the
2 black. And brother counsel in his own statement said, in
3 arguing to you, he just said the same thing he said with
4 respect to Brown, he was wearing black and, in defense
5 counsel's words, the day before. So that is consistent with
6 what Mr. Bailey said.

7 Counsel said Watson had a relationship with Belcher. Yes,
8 enforcer, but Watson said he didn't know Byrd despite having
9 two numbers for Byrd.

10 You will find that for Count One the instruction says that
11 a person used or caused another to use a phone, and as you
12 know, a phone was flying back and forth between Watson and
13 Brown, all right? So Watson was letting Brown use his phone.
14 Brown was using the phone. Brown was using his own phone until
15 he had to put it on the charger. The bottom line, they were in
16 the area being set up, ready to commit the murder based on the
17 information they got from Belcher in the earlier calls from
18 Belcher as he pulled up to the scene.

19 Brown told you that he and Watson talked to Belcher and
20 that they passed the phone back and forth, but independent of
21 that, Watson caused Brown to call when he handed him the phone
22 for the purpose of calling Belcher.

23 Brother Counsel says there was no quid pro quo. There
24 was. Watson was picking up money from Bailey because of
25 Brown's inability -- Watson was getting the \$10,000 Bailey gave

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1 to Belcher and not giving it away to Brown, and this prompted
2 Brown to knock Bailey and Belcher down because of getting the
3 runaround.

4 So let's talk about Brown said that by July he knew no one
5 was facing death. Remember that. Brother counsel brought that
6 up. Brown admitted his involvement in firing the gun and he
7 took a plea to murder for hire, and yes, he took a plea deal
8 that requires him to testify truthfully before you and do
9 20 years. And his testimony, I submit, was supported by the
10 evidence, that being the cell sites, that being the corporate
11 cases.

12 But, remember, Watson was so worried about Chambers that
13 he had him sign that affidavit, which doesn't fly with anything
14 Paymond came in and told you, and it makes up stuff about
15 Paymond having a dispute with Watson and it makes up stuff
16 about Brown having a dispute with Watson, and you heard that
17 none of that was true. You haven't heard anybody say that
18 those things were true, I should say.

19 He wants to say nobody knew Watson. Well, not everybody
20 in the conspiracy needs to know one another, and I suspect the
21 Court will tell you that. But Belcher knew Watson and knew him
22 to be his enforcer. Belcher gave him the \$10,000, which sent
23 Brown hunting.

24 The last thing I want to bring out for you is what do we
25 know that is consistent with all of this evidence? Let's talk

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1 about the drug dealing.

2 Deaunta Belcher, drug dealer. You heard him say that.
3 You heard other people say that. Darnell Bailey said that they
4 were -- that he was a drug dealer and that they had the drug
5 scheme interwoven with the fraud scheme. Check that off.

6 Franklin Aday said Belcher was a drug dealer. Check that
7 off.

8 Latasia Banks said she was a drug dealer with Belcher.
9 Check that off.

10 Stephen Brown said that Belcher was his drug dealer
11 because he got marijuana from him. Check that off.

12 And the cell phone extraction showing drug proceeds, you
13 can check that off, showing drug communications and things of
14 that nature.

15 The car fraud scheme. Deaunta Belcher told police about
16 it and being involved in it. Darnell Bailey told you about the
17 car fraud scheme. Latasia Banks told you about it.

18 Now, there was some, there was some talk about -- by
19 brother counsel for Mr. Belcher that drug dealing does not
20 equate to being a murderer. Well, let's explore that.

21 The whole point of drug dealing is to make money. That's
22 the whole point, all right? But, if someone like Wallace, the
23 smooth talker, as you heard, because this car fraud --
24 remember, I told you it's two sides of the same coin, this car
25 fraud and drug-dealing scheme. If somebody like Wallace, the

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1 smooth talker, as we have heard, has the connection and starts
2 interfering with that money, then, yes, drug dealing can equate
3 to murder because what we had here, ladies and gentlemen, you
4 can't just ask him to step aside, he was a smooth talker with
5 connections.

6 So what do you have to do and what was done? You do a
7 hostile takeover. You murder him and get him out the way so
8 that he can stop interfering with your money, and that's
9 exactly what happened.

10 What do we know about where that was hatched at? The
11 hostile takeover was hatched at Zeidman's. Who told you that?
12 Darnell Bailey. Who else told you that? Stephen Brown.

13 What do we know about the Pantheon Nightclub? It doesn't
14 matter if it was day or night. The phone records support
15 Watson and Belcher being there. Who told you about that?
16 Darnell Bailey and Stephen Brown, call detail records. So it
17 doesn't matter whether it was day or night, the phone records
18 put them there as going to hunt for Wallace.

19 The Faircrest was brought up for you just so that you can
20 understand the frame of reference of where they left from so
21 that you have the vantage point of knowing where those cell
22 towers are hitting showing them moving down to do the killing.

23 And who told you they were at Faircrest just before the
24 killing? Stephen Brown, Billy Joe Chambers, and the call
25 detail records.

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1 And where were they headed to and where were they going
2 to? Well, Brown told you. Well, you know from the security
3 video they came down to They Say. You know from Darnell Bailey
4 that they were there at They Say to do the killing, and you
5 know from Stephen Brown that he had gotten that final call from
6 Belcher telling him that the big fish was on the line and to
7 report to They Say.

8 Who else told you? Billy Joe Chambers, he was there and
9 he told you. The call detail records, they verify that.

10 Who shot Wallace? How do we know that? Darnell Bailey
11 tells you because he said that Belcher told him that it was
12 indeed Watson. Stephen Brown told you because he was in the
13 car, and he told you how he fired and how Watson got out and
14 fired. Billy Joe Chambers told you because he was the driver
15 and Brown was his front seat passenger. So Billy Joe Chambers
16 told you he jumped out of the backseat and did the firing. The
17 call detail records tell you all three of them were in the
18 area, and the surveillance video tells you.

19 What was this lie that was created? What was the
20 snitching cover story? Because, again, it was to keep the
21 information about everybody's involvement from getting back to
22 federal law enforcement. It was to hinder that information.
23 As a matter of fact, that's why -- you know, they want to talk
24 about the indictment being charged. Remember, that's why it's
25 charged that way. The indictment that they admitted as an

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1 exhibit was based on this theory that was implanted by Belcher
2 all related to the fact that Wallace was a federal witness
3 until the real deal came out in terms of the investigation and
4 we knew that that was a cover story.

5 But who all shared in this snitching cover story?
6 Deaunta Belcher, Darnell Bailey, and Mr. Jackson, who told you
7 that Darnell Bailey told him that in 2016. This was before any
8 plea deals.

9 Do we know that money was involved, that this was a
10 motive, money was a motive? Uh, yeah. What about the Parkside
11 project situation? Stephen Brown was incensed he wasn't
12 getting his cut so he hunted him down with a chopper.

13 Who else told you about Stephen Brown showing up in the
14 Parkside projects? Darnell Bailey. And who else?
15 Billy Joe Chambers, because, as Chambers told you, he was then
16 driving his girl friend's Rendezvous.

17 Did money change hands? Yes.

18 Who told you that? Darnell Bailey and Stephen Brown.

19 Because Darnell Bailey told you that he met Watson at the
20 casino and handed him money, and Brown told you that he
21 couldn't go because he was on a tether and he sent Watson and
22 Watson came back and brought him the money.

23 And, finally, what do we know this was all about? Again,
24 it was a hostile takeover, and the motive was greed. Who told
25 you that there was some discourse and descension underlying all

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1 of that, this was all about money? Darnell Bailey.

2 Who told you that? Stephen Brown, because he heard a
3 phone conversation about dog messing with my money.

4 So Stephen Brown, and who else told you that?
5 Sean Jackson, because he was told that by Mr. Bailey as he was
6 his bunkee.

7 And who else told you that? Latasia Banks because what
8 did she say Deaunta Belcher confessed to her? Wallace had to
9 go.

10 Ladies and gentlemen, thank you for your time and
11 attention over these last three weeks. As you can see, the
12 Government has proven each and every element of these offenses
13 charged beyond a reasonable doubt. We ask you to return the
14 only verdict which this evidence supports, and that's that
15 these two defendants are guilty with the rest of the three for
16 the counts charged as well as the murder for hire.

17 Thank you for your time and attention.

18 (End of excerpt.)

19 - - -

20 **C E R T I F I C A T I O N**

21 I certify that the foregoing is a correct transcription of
22 the record of proceedings in the above-entitled matter.

23

24 s/ Sheri K. Ward
25 Sheri K. Ward
Official Court Reporter

5/10/2019
Date